



CITY COUNCIL AGENDA

NOTICE TO READERS: City Council meeting packets are prepared several days prior to the meetings. Timely action and short discussion on agenda items is reflective of Council's prior review of each issue with time, thought and analysis given.

Members of the audience are invited to speak at the Council meeting. Citizen Communication (Section 7) and Citizen Presentations (Section 12) are reserved for comments on any issues or items pertaining to City business except those for which a formal public hearing is scheduled under Section 10 when the Mayor will call for public testimony. Please limit comments to no more than 5 minutes duration except when addressing the City Council during Section 12 of the agenda.

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Report of City Officials
 - A. City Manager's Report
5. City Council Comments
6. Presentations
 - A. Proclamation re Business Appreciation Week – Week of October 16th
7. Citizen Communication (5 minutes or less)

The "Consent Agenda" is a group of routine matters to be acted on with a single motion and vote. The Mayor will ask if any Council member wishes to remove an item for separate discussion. Items removed from the consent agenda will be considered immediately following adoption of the amended Consent Agenda.

8. Consent Agenda
 - A. Revised Employment Agreement with J. Brent McFall
 - B. Option Agreement Concerning Preservation of Historic Shoenberg Farms
 - C. West 80th Avenue/Federal Boulevard Project – Authorization of Expenditures
 - D. Second Reading Councillor's Bill No. 50 re Annexation of the MY Business Park Property
 - E. Second Reading Councillor's Bill No. 51 re CLUP Amendment re MY Business Park Property
 - F. Second Reading Councillor's Bill No. 52 re Rezoning MY Business Park Property
 - G. Second Reading Councillor's Bill No. 53 re Annexation of the Kerr #1 Property
 - H. Second Reading Councillor's Bill No. 54 re Annexation of the Kerr #2 Property
 - I. Second Reading Councillor's Bill No. 55 re CLUP Amendment re Kerr Property
 - J. Second Reading Councillor's Bill No. 56 re Rezoning Kerr Property
 - K. Second Reading Councillor's Bill No. 57 re Economic Development Agreement for Sedona, LLC Development
9. Appointments and Resignations
10. Public Hearings and Other New Business
 - A. Resolution No. 53 re Formal Support of Adams County Sales Tax Extension
 - B. Resolution No. 54 re Standley Lake and Golf Course Fees for 2007
 - C. Councillor's Bill No. 58 re Infrastructure Fee for 2007 and Stormwater Utility Fee Rate for 2008
 - D. Resolution No. 55 re 2007 and 2008 City Budgets
 - E. Councillor's Bill No. 59 re 2007 and 2008 Appropriations
 - F. Resolution No. 56 re 2007 and 2008 Pay Plans
 - G. Councillor's Bill No. 60 re Establishing "Hourly Non-Benefited" as a Category of Appointment in the WMC
 - H. Revised Employment Agreement with John A. Stipech
 - I. Councillor's Bill No. 61 re Municipal Judge Salary
 - J. 2007 City Employee Health Insurance Renewals and Rates
 - K. 2007 Property and Liability Excess Insurance Renewal
 - L. Councillor's Bill No. 62 re Pension Plan Amendments
 - M. Resolution No. 57 re Fiscal Policies – Utility Reserves
 - N. Stipulation and Plan re Exclusion of Properties from North Metro Fire Rescue District
 - O. Resolution No. 58 re Exclusion from North Metro Fire Rescue District

11. Old Business and Passage of Ordinances on Second Reading

12. Citizen Presentations (longer than 5 minutes), Miscellaneous Business, and Executive Session

A. City Council

B. Executive Session – Discussion of personnel matter (City Attorney’s performance evaluation) pursuant to WMC Section 1-11-3(C)(1) and CRS 24-6-402(4)(f).

13. Adjournment

WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY MEETING (separate agenda)

CITY OF WESTMINSTER GENERAL IMPROVEMENT DISTRICTS MEETING (separate agenda)

GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS

A. The meeting shall be chaired by the Mayor or designated alternate. The hearing shall be conducted to provide for a reasonable opportunity for all interested parties to express themselves, as long as the testimony or evidence being given is reasonably related to the purpose of the public hearing. The Chair has the authority to limit debate to a reasonable length of time to be equal for both positions.

B. Any person wishing to speak other than the applicant will be required to fill out a “Request to Speak or Request to have Name Entered into the Record” form indicating whether they wish to comment during the public hearing or would like to have their name recorded as having an opinion on the public hearing issue. Any person speaking may be questioned by a member of Council or by appropriate members of City Staff.

C. The Chair shall rule upon all disputed matters of procedure, unless, on motion duly made, the Chair is overruled by a majority vote of Councillors present.

D. The ordinary rules of evidence shall not apply, and Council may receive petitions, exhibits and other relevant documents without formal identification or introduction.

E. When the number of persons wishing to speak threatens to unduly prolong the hearing, the Council may establish a time limit upon each speaker.

F. City Staff enters a copy of public notice as published in newspaper; all application documents for the proposed project and a copy of any other written documents that are an appropriate part of the public hearing record;

G. The property owner or representative(s) present slides and describe the nature of the request (maximum of 10 minutes);

H. Staff presents any additional clarification necessary and states the Planning Commission recommendation;

I. All testimony is received from the audience, in support, in opposition or asking questions. All questions will be directed through the Chair who will then direct the appropriate person to respond.

J. Final comments/rebuttal received from property owner;

K. Final comments from City Staff and Staff recommendation.

L. Public hearing is closed.

M. If final action is not to be taken on the same evening as the public hearing, the Chair will advise the audience when the matter will be considered. Councillors not present at the public hearing will be allowed to vote on the matter only if they listen to the tape recording of the public hearing prior to voting.

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, OCTOBER 9, 2006 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

Mayor McNally led the Council, Staff, and audience in the Pledge of Allegiance.

ROLL CALL

Mayor McNally, Mayor Pro Tem Kauffman and Councillors Dittman, Lindsey, Major, and Price were present at roll call. Councillor Kaiser was absent and excused. J. Brent McFall, City Manager, Martin McCullough, City Attorney, and Linda Yeager, City Clerk, also were present.

CONSIDERATION OF MINUTES

Councillor Major moved, seconded by Price, to approve the minutes of the regular meeting of September 25, 2006, as corrected to reflect that Councillor Kaiser made the motion to adopt Resolution No. 50. The motion passed unanimously.

CITY MANAGER'S REPORT

Mr. McFall reported that the City's ISO (Insurance Services Office) rating had been upgraded from 4 to 3. While the improved rating likely would not yield reduced insurance premiums for Westminster residents, it reflected improvements in fire service response times, communications, and reliability of water supply, all of which increased the safety of City residents. October 6 marked the grand opening of The Orchard's first store, JC Penney. The grand opening of the Super Target was scheduled soon and the second phase of construction at The Orchard was expected to open in October 2007. In conclusion, Mr. McFall reported that following adjournment of this meeting, City Council would convene meetings of the Westminster Economic Development Authority and the City of Westminster General Improvement Districts. After those meetings were adjourned, the Council would meet in executive session to discuss a personnel matter related to the City Attorney's annual evaluation.

CITY COUNCIL COMMENTS

Councillor Major reported on the recent opening of the Big Dry Creek Trail from 128th to Huron.

Mayor McNally reported that Tri-City Baptist Church had conducted special services honoring firefighters during National Firefighters' Week.

PROCLAMATIONS

Mayor McNally proclaimed October 16 to 20, 2006, to be Business Appreciation Week in recognition that the City was closely linked to the success of its local businesses. The City would host an event on October 20 at the Westin Westminster Hotel to acknowledge local businesses and their role as an essential ingredient to the continued strength, well being, and high quality of life in Westminster. Accepting the proclamation on behalf of the Business Advisory Group was Susan Grafton, Economic Development Manager.

CITIZEN COMMUNICATION

Debbie Kippenhin, 10435 Moore Street, Dean Vandeberg, 10540 West 104th Place, and Leo Fessler, 10351 Nelson Street, all of whom were residents of Countryside, registered complaints about the City's removal of totem poles from Kensington Park without input of or notification to the residential neighborhood. They identified park, trail, graffiti, sidewalk, and street maintenance deficiencies they thought were negatively impacting quality of life in Countryside and asked that attention be directed to improving those conditions. Mr. McFall indicated that Staff was prepared to meet with the neighborhood and address issues.

Russell Weisfield, 7340 West 74th Place in Arvada and the vice president of SWORD (South Westminster Organized for Responsible Development), and Larry Dean Valente, 3755 West 81st Avenue, opposed approval of the revised employment agreement with the City Manager that was scheduled for City Council's consideration and action on the agenda.

Kaaren Hardy, 5133 West 73rd Avenue, spoke in support of the option agreement concerning preservation of historic Shoenberg Farms that was scheduled for City Council's consideration and action on the agenda.

Iver Osborn, 10492 Hobbit Lane, voiced disappointment that the decision to change the way that boat permits for Standley Lake were sold had not been made through a public process.

CONSENT AGENDA

The following items were submitted for Council's consideration on the consent agenda: authority for the Mayor to execute a revised employment agreement with J. Brent McFall for his services as City Manager for 2007 with an effective date of January 1, 2007 and automatic renewal for 2008 unless terminated by City Council; authority for the City Manager to execute an agreement with the owners and developer of a parcel of land northwest of West 72nd Avenue and Sheridan that included the historic Shoenberg Farms buildings, to give the City an option to acquire or facilitate the acquisition by end users of a parcel including the farm buildings for the purposes of preservation and adaptive re-use of the buildings; authority to expend up to \$151,600 for contracts with Qwest and Excel Energy needed to relocate existing utilities that would be in conflict with the planned improvements to 80th Avenue and Federal Boulevard; final passage of Councillor's Bill No. 50 approving the annexation of the MY Business Park property; final passage of Councillor's Bill No. 51 approving the Comprehensive Land Use Plan amendment for the MY Business Park property by changing the designation from Northeast Comprehensive Development Plan to Business Park; final passage of Councillor's Bill No. 52 rezoning the MY Business Park property from Jefferson County P-D to Planned Unit Development; final passage of Councillor's Bill No. 53 annexing the Kerr #1 property; final passage of Councillor's Bill No. 54 annexing the Kerr #2 property; final passage of Councillor's Bill No. 55 amending the Comprehensive Land Use Plan for the Kerr property by changing the designation from Northeast Comprehensive Development Plan to R-1 Residential; final passage of Councillor's Bill No. 56 approving the rezoning of the Kerr property from Jefferson County A-2 to R-E; and final passage of Councillor's Bill No. 57 authorizing the City Manager to execute and implement an Economic Development Agreement with Sedona, LLC Development.

Mayor McNally asked if Councillors wished to remove any items from the consent agenda for discussion purposes or separate vote. There was no request.

It was moved by Councillor Major and seconded by Councillor Dittman to approve the consent agenda, as presented. The motion passed unanimously.

RESOLUTION NO. 53 RE FORMAL SUPPORT OF ADAMS COUNTY SALES TAX EXTENSION

It was moved by Councillor Price, seconded by Councillor Lindsey, to adopt Resolution No. 53 in support of Adams County's November referred ballot issue to extend an existing countywide sales tax of one-half of one percent through December 31, 2028.

Mayor McNally conveyed comments from Councillor Kaiser, who could not be present but indicated support for adoption of the resolution.

On roll call vote, the motion passed unanimously.

RESOLUTION NO. 54 RE STANDLEY LAKE AND GOLF COURSE FEES FOR 2007

Upon a motion by Councillor Dittman, seconded by Councillor Major, the Council voted unanimously at roll call to adopt Resolution No. 54 approving an increase in various Standley Lake Regional Park use fees and the addition of individual season passes for the City's golf courses, Legacy Ridge and The Heritage at Westmoor.

COUNCILLOR'S BILL NO. 58 ADOPTING INFRASTRUCTURE FEES FOR 2007 AND 2008

Councillor Price moved to pass Councillor's Bill No. 58 on first reading repealing Chapter 6 of Title IV "Concrete Replacement Program," enacting Chapter 8 of Title IX, W.M.C., and amending Chapter 13 of Title VIII, W.M.C., establishing an infrastructure fee for concrete replacement and streetlight costs, and increasing the monthly base rate portion of the stormwater service fee. Councillor Lindsey seconded the motion, which passed unanimously on roll call vote.

RESOLUTION NO. 55 RE ADOPTION OF 2007 AND 2008 CITY BUDGETS

It was moved by Mayor Pro Tem Kauffman and seconded by Councillor Dittman to adopt Resolution No. 55 setting the City mill levy at 3.65 mills for both fiscal years 2007 and 2008 and formally adopting the total 2007 and 2008 City budgets, including staffing levels and the Five-Year Capital Improvement Program. At roll call vote, the motion carried with all Council members voting yes.

COUNCILLOR'S BILL NO. 59 RE 2007 AND 2008 APPROPRIATIONS

Mayor Pro Tem Kauffman moved, seconded by Councillor Price, to pass Councillor's Bill No. 59 on first reading appropriating funds for the 2007 and 2008 budgets. The motion passed unanimously on roll call vote.

RESOLUTION NO. 56 RE 2007 AND 2008 PAY PLANS

Councillor Dittman moved to adopt Resolution No. 56 establishing the 2007 and 2008 Pay Plans. Councillor Major seconded the motion, and it passed unanimously on roll call vote.

COUNCILLOR'S BILL NO. 60 RE ESTABLISHING HOURLY NON-BENEFITED APPOINTMENT CATEGORY

Upon a motion by Councillor Dittman, seconded by Councillor Lindsey, the Council voted unanimously on roll call vote to pass Councillor's Bill No. 60 on first reading approving a change in Personnel Management Program in the Westminster Municipal Code to establish "Hourly Non-Benefited" as a Category of Appointment.

REVISED EMPLOYMENT AGREEMENT WITH JUDGE JOHN A. STIPECH

It was moved by Councillor Major and seconded by Price to authorize the Mayor to execute a revised employment agreement with John A. Stipech for his services as Presiding Judge for 2007 with an effective date of January 1, 2007 and an automatic renewal for 2008 unless terminated by City Council. The motion passed unanimously.

COUNCILLOR'S BILL NO. 61 RE MUNICIPAL JUDGE SALARY

Councillor Major moved, seconded by Price, to pass Councillor's Bill No. 61 on first reading amending the salary of the Municipal Judge for 2007. The motion carried unanimously on roll call vote.

2007 CITY EMPLOYEE HEALTH INSURANCE RENEWALS AND RATES

It was moved by Councillor Lindsey and seconded by Price to authorize the City Manager to renew contracts with Great-West Healthcare, Kaiser Permanente and Delta Dental and to authorize the continuation of a four-tier rate structure with the employer and employee premium rates as shown on attachments to the agenda memorandum. The motion passed unanimously.

2007 PROPERTY AND LIABILITY EXCESS INSURANCE RENEWAL

It was moved by Councillor Dittman, seconded by Lindsey, to authorize the City Manager to enter into an agreement with the Colorado Intergovernmental Risk Sharing Agency for the purchase of excess stop loss insurance, and for claims management and other administration services in the amount of \$498,340 along with a 10% contingency amount (\$50,000) in the event the final quote came in higher. The motion passed with all Council members voting yes.

COUNCILLOR'S BILL NO. 62 AMENDING PENSION PLANS

Councillor Major moved, seconded by Price, to pass Councillor's Bill No. 62 on first reading amending the City's General Employee and Police Pension Plan Ordinances. The motion passed unanimously on roll call vote.

RESOLUTION NO. 57 ESTABLISHING UTILITY RESERVES FISCAL POLICIES

It was moved by Mayor Pro Tem Kauffman and seconded by Major to adopt Resolution No. 57 establishing certain Utility Reserve Fund policies in regard to an Operating Reserve, a Rate Stabilization Reserve and a Capital Project Reserve, together with target and minimum/maximum funding levels, and authorizing the use of \$3,756,016 contingency of the 2006 Reserve Fund to establish the 2007 Operating Reserve. The motion passed unanimously on roll call vote.

STIPULATION & PLAN TO EXCLUDE PROPERTIES FROM NORTH METRO FIRE RESCUE DISTRICT

It was moved by Councillor Lindsey, seconded by Dittman, to approve the Stipulation and Plan for exclusion of recently annexed territory from the North Metro Fire Rescue District. The motion passed unanimously.

RESOLUTION NO. 58 RE EXCLUSION FROM NORTH METRO FIRE RESCUE DISTRICT

Councillor Lindsey moved to adopt Resolution No. 58 approving the exclusion of recently annexed properties from the North Metro Fire Rescue District. Councillor Price seconded the motion, and it passed unanimously on roll call vote.

ADJOURNMENT

There was no further business to come before the City Council, and the Mayor adjourned the meeting at 7:50 p.m.

ATTEST:

Mayor

City Clerk



Agenda Item 6 A

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 9, 2006



SUBJECT: Proclamation re Business Appreciation Week – Week of October 16th

Prepared By: Rita Carrington, Economic Development Aide

Recommended City Council Action

City Council presents a proclamation to Business Advisory Group members proclaiming the week of October 16th as “Business Appreciation Week” in the City of Westminster.

Summary Statement

- The City of Westminster has long recognized the importance of maintaining a healthy and diverse business community. The success of the City is closely linked to the success of its local businesses. Each year, the City hosts an appreciation event for local businesses to recognize their role as essential ingredients to the continued strength, well being, and high quality of life of Westminster. This year the event will be held on Friday, October 20th at the Westin Westminster Hotel.
- The Mayor, on behalf of City Council, is requested to proclaim the week of October 16th as “Business Appreciation Week” in the City of Westminster.
- Susan Grafton will be present at Monday night’s meeting to accept this proclamation.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

None identified.

Alternative

None identified.

Background Information

On Friday, October 20, 2006 the City of Westminster will host the 16th annual Business Appreciation Event. This event recognizes the vital role that local businesses play in the success of the City. Local businesses provide employment, shopping, entertainment and recreational opportunities for all citizens. Businesses contribute to the City's General Fund including revenue generated from sales and use tax and property tax collections. They enrich the quality of life in Westminster by supporting community organizations with financial and in-kind contributions. The high caliber mix of retail, service, and corporate office establishments found in Westminster is virtually unparalleled in northwest metro Denver.

There are currently approximately 1,700 commercial businesses and 1,300 home occupation businesses located in the City. It is appropriate that they be publicly recognized for their contributions to the community by proclaiming "Business Appreciation Week" and encouraging all citizens to support their local businesses.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

WHEREAS, The City of Westminster benefits greatly from having a healthy and diverse business community; and

WHEREAS, Westminster businesses provide employment, shopping, entertainment and recreational opportunities to its citizens; and

WHEREAS, The success of local business in Westminster is critical to the City's financial stability, with a large portion of the City's general fund sustained with revenue generated from sales and use tax collections; and

WHEREAS, The City of Westminster will be hosting the 16th annual Business Appreciation event on Friday, October 20, 2006 to honor the 3,000 commercial and home occupation businesses with the City; and

WHEREAS, It is fitting that official recognition be given to the importance that local businesses play in the continued strength and well being of our city.

NOW, THEREFORE, I, Nancy McNally, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby proclaim the week of October 16, 2006 as

BUSINESS APPRECIATION WEEK

in the City of Westminster, and encourage all citizens to support local businesses.

Signed this 9th day of October, 2006.

Nancy McNally, Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 9, 2006



SUBJECT: Revised Employment Agreement with J. Brent McFall

Prepared by: Matt Lutkus, Deputy City Manager for Administration

Recommended City Council Action

Authorize the Mayor to execute a revised employment agreement with J. Brent McFall for his services as City Manager for 2007 with an effective date of January 1, 2007, and automatic renewal for 2008 unless terminated by City Council.

Summary Statement

- City Council is requested to approve a revised employment agreement with Brent McFall for services as City Manager beginning January 1, 2007. The agreement will be automatically renewed for 2008 unless it is terminated by City Council no later than October 31, 2007.
- Under the proposed revised agreement, Mr. McFall's combined salary and deferred compensation will be \$189,728, which represents a seven percent increase over his annual compensation for 2006.
- The proposed agreement with Mr. McFall is similar to the current employment agreement with the exceptions of the total allocated for compensation and the change in the effective date for the contract.

Expenditure Required: \$189,728, plus the cost of other fringe benefits as described in the attached employment agreement

Source of Funds: General Fund, City Manager's Office Budget

Policy Issue

Whether to continue essentially the same employment agreement with J. Brent McFall for 2007.

Alternative

Council could make further adjustments to the employment agreement with Mr. McFall.

Background Information:

J. Brent McFall has been employed as City Manager since May 21, 2001. His previous experience includes holding city manager or city administrator positions in Merriam, Kansas; Emporia, Kansas; Federal Way, Washington; and Kent, Washington. Mr. McFall is an active member of both the International City County Management Association and the Colorado City/County Managers' Association. At the International City County Management Association Conference in September 2005, Mr. McFall was presented with the Edwin O. Stene Award for Managerial Excellence by University of Kansas City Managers Alumni in recognition of his outstanding accomplishments over thirty years as chief executive in five cities.

The past twelve months have seen a number of significant accomplishments in which Mr. McFall played a key role. The Orchard Town Center is becoming a reality with the opening of Target and JC Penney's this fall and the imminent completion of Huron Street enhancements north of 128th Avenue and the interchange at 144th Avenue and Interstate 25.

Other development highlights included the opening of Lowe's at 136th Avenue and I-25, and the upcoming opening of the nearby Wal-Mart, further construction of the Shops at Walnut Creek and the expansion of St. Anthony North Hospital. Major redevelopment is occurring in South Westminster with the reconstruction of the Laconte Center and progress on the redevelopment of the Shoenberg Shopping Center. A significant accomplishment during the past year was the acquisition and subsequent demolition of the highly visible blighted section of Holly Park.

The City continues to receive recognition as a very progressive community. Early in 2006, Westminster was the only finalist from the United States for the United Nations Livable Communities Award. Westminster was recognized as the winner of the international award for environmental practices and sustainability. Money magazine ranked Westminster as the nation's 24th best small city in which to live. Further, the City's biennial Citizen Survey results continue to show strong public support for the City's actions and priorities.

Mr. McFall continues to champion the key values comprising the acronym SPIRIT (Service, Pride, Integrity, Responsibility, Innovation and Teamwork) in the management of the organization and its day-to-day operations. Other initiatives that Mr. McFall continues to emphasize are the strategic approach to short- and long-term planning and the use of a comprehensive performance measurement system that assists in department decision-making and promotes organizational accountability.

City Council met with Mr. McFall on September 25 to review his job performance during the past twelve months and determine his compensation for the coming year. The proposed employment agreement with Mr. McFall incorporates the changes requested by Council as a result of that meeting. It is similar to the current agreement that Council approved in October 2005 with exception of the effective dates of the agreement and the level of compensation.

The revised agreement will provide for a combined salary and deferred compensation of \$189,728, including City-paid deferred compensation. This amount is \$12,412 or 7% higher than his total salary and deferred compensation for 2006. The agreement allows the City Manager to designate a portion of his salary up to the maximum provided under Federal law to be paid out on a lump sum basis into his deferred compensation account.

Funds are available in the Proposed 2007 Budget to provide for the salary and fringe benefits described in the agreement.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

EMPLOYMENT AGREEMENT

THIS AGREEMENT, effective as of the 1st day of January 2007, by and between the City of Westminster, State of Colorado, a municipal corporation, hereinafter called "CITY" as party of the first part, and J. BRENT McFALL, hereinafter called "EMPLOYEE", as party of the second part, both of whom understand as follows:

WHEREAS, the CITY desires to continue employing the services of J. BRENT McFALL, as City Manager of the City of Westminster as provided by City Charter, Chapter IV, Section 7; and

WHEREAS, it is the desire of the City Council to provide certain benefits, establish certain conditions of employment, and to set working conditions of said EMPLOYEE; and

WHEREAS, it is the desire of the City Council to (1) secure and retain the services of EMPLOYEE and to provide inducement for him to remain in such employment; (2) make possible full work productivity by assuring EMPLOYEE'S morale and peace of mind with respect to future security; (3) act as a deterrent against malfeasance or dishonesty for personal gain on the part of EMPLOYEE, and (4) provide a just means for terminating EMPLOYEE'S services at such time as he may be unable to fully discharge his duties due to age or disability or when CITY may desire to otherwise terminate his employ;

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties hereto agree as follows:

SECTION 1. DUTIES:

CITY hereby agrees to continue the employment of J. BRENT McFALL as City Manager of CITY to perform the duties and functions specified in Section 4.8 of the City Charter and such other legally permissible and proper duties and functions as the City Council shall from time to time assign.

SECTION 2. TERMS:

- A. It is the intent of the City Council and the EMPLOYEE that EMPLOYEE will serve as City Manager for calendar years 2007 and 2008. EMPLOYEE agrees to remain in the exclusive employ of CITY and EMPLOYEE will serve as City Manager from January 1, 2007 through December 31, 2008. Further, EMPLOYEE agrees not to become employed by any other employer until said termination date, unless said termination date is effected as hereinafter provided.

The term "employed" shall not be construed to include occasional teaching, writing, consulting work or other related activities performed on EMPLOYEE'S time off.

- B. Nothing in this agreement shall prevent, limit or otherwise interfere with the right of the City Council to terminate the services of EMPLOYEE at any time, subject only to the provisions set forth in Section 3, Paragraph A and B of this agreement.
- C. Nothing in this agreement shall prevent, limit or otherwise interfere with the right of EMPLOYEE to resign at any time from his position with the CITY, subject only to the provisions set forth below.
- D. This Employment Agreement shall be in effect through December 31, 2007, but shall be automatically renewed through December 31, 2008, unless terminated on or before October 31, 2007.

SECTION 3. TERMINATION, NOTICE AND SEVERANCE PAY:

- A. In the event City Council decides to exercise its right to terminate EMPLOYEE before expiration of the aforementioned term of employment and during such time that EMPLOYEE is willing and able to perform the duties of City Manager, then and in that event, the CITY agrees to give EMPLOYEE eleven (11) months' written notice or to pay EMPLOYEE a lump sum cash payment equal to his base salary for the ensuing eleven (11) months, provided however, that in the event the EMPLOYEE is terminated in relation to his conviction of any illegal act, then, and in that event, CITY has no obligation to give notice or pay the aggregate severance sum designated in this paragraph.
- B. In the event the CITY at any time during the employment term reduces the salary or other financial benefits of EMPLOYEE in a greater percentage than an applicable across the board reduction for all City employees, or in the event the CITY refuses, following written notice to comply with any other provisions benefiting EMPLOYEE herein, or the EMPLOYEE resigns following a formal suggestion by the City Council that he resign, then, and in that event, EMPLOYEE may, at his option, be deemed to be "terminated" at the date of such reduction, such refusal to comply or such resignation, within the meaning and content of the eleven (11) months' severance pay provisions herein.
- C. The severance provisions contained in section A and B shall remain the same in 2008 except that the eleven (11) months of notification or severance pay shall be increased to twelve (12) months beginning January 1, 2008.
- D. In the event EMPLOYEE voluntarily resigns his position with the CITY before expiration of the aforesaid term of employment, then EMPLOYEE shall give the CITY sixty (60) days notice in advance in writing.
- E. The parties may, by mutual written agreement, shorten the time required for written notification of termination or resignation set forth in this section.
- F. In the event this Agreement is not renewed by the City Council, such non-renewal shall be considered a termination as provided for in Section 3.A. hereof and shall entitle EMPLOYEE to the lump sum cash payment described therein.

SECTION 4. SALARY:

The CITY agrees to pay EMPLOYEE for his services rendered hereto a combined salary and deferred compensation amount of \$189,728 effective January 1, 2007. The base salary portion of this amount shall be payable in installments at the same time as other employees of the CITY are paid. The EMPLOYEE shall designate a portion of this amount not to exceed the amount allowed by Federal Law to be paid as a lump sum payment to the EMPLOYEE's deferred compensation plan.

CITY agrees to review the EMPLOYEE'S performance annually, no later than October 31st of each year. Salary evaluation each year shall be at the discretion of the CITY.

SECTION 5. HOURS OF WORK:

- A. It is recognized that EMPLOYEE must devote a great deal of his time outside normal office hours to business of the CITY, and to that end EMPLOYEE will be allowed to take compensatory time off as he shall deem appropriate during normal office hours.
- B. EMPLOYEE shall not spend more than ten (10) hours per week in teaching, consulting, or other non-City connected business without the expressed prior approval of the Council provided that such consulting or other non-City connected business does not constitute a conflict of any nature with EMPLOYEE'S work as City Manager. City Council shall be the sole judge of such conflicts whose determination shall be final.

SECTION 6. TRANSPORTATION:

EMPLOYEE'S duties require that he have an EMPLOYEE-provided automobile. EMPLOYEE shall be responsible for paying of liability, property, maintenance, repair and regular replacement of said automobile. A monthly car allowance of \$500 shall be paid to EMPLOYEE to assist in compensating for these costs.

SECTION 7. DUES AND SUBSCRIPTIONS:

CITY agrees to budget and to pay the professional dues of EMPLOYEE necessary for his continuation and full participation in national, regional, state, and local associations and organizations necessary and desirable for his continued professional participation, growth and advancement, and for the good of the City.

SECTION 8. PROFESSIONAL DEVELOPMENT:

CITY hereby agrees to budget and to pay the travel and subsistence expenses of EMPLOYEE for professional and official travel, meetings and occasions adequate to continue the professional development of EMPLOYEE and to adequately pursue necessary official and other functions for CITY, including but not limited to the International City/County Management Association, the Colorado City/County Management Association, the Colorado Municipal League, and such other national, regional, state and local governmental groups and committees thereof which EMPLOYEE serves as a member.

SECTION 9. GENERAL EXPENSES:

CITY recognizes that certain expenses of a non-personal, job-affiliated nature are incurred by EMPLOYEE, and hereby agrees to reimburse or to pay said non-personal, job-affiliated expenses. Disbursement of such monies shall be made upon receipt of duly executed expense vouchers, receipts, statements, or personal affidavit.

SECTION 10. FRINGE BENEFITS:

- A. EMPLOYEE will be allowed all benefits as are extended to all other Department Head level employees, except that when such benefits are in conflict with this contract, said contract shall control.
- B. The EMPLOYEE shall continue to accrue General Leave at the rate prescribed for "over 20" years of continuous municipal service in the Westminster Municipal Code and City Personnel Policies and Rules and shall be able to use such accrued leave in accordance with the rate of use accorded to employees in the "over 20" category.

SECTION 11. OTHER TERMS AND CONDITIONS OF EMPLOYMENT:

- A. The City Council shall fix any other terms and conditions of employment as it may from time to time determine, relating to the performance of EMPLOYEE, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this agreement, the City Charter or any other law.
- B. All provisions of the City Charter and Code, and regulations and rules of the City relating to vacation and sick leave, retirement and pension system contributions, holidays and other fringe benefits and working conditions as they now exist or hereafter may be amended, shall also apply to EMPLOYEE as they would to other employees of CITY in addition to said benefits enumerated specifically for the benefit of EMPLOYEE, except as herein provided.

- C. In the 2005 Budget, the City Council appropriated the sum of \$60,000, which sum was placed into a separate account within the City, which amount shall be paid in one lump sum payment to EMPLOYEE on January 2, 2011 in the event EMPLOYEE continues to serve as City Manager through said date. This retention incentive payment shall be in addition to any salary, bonus or other benefit paid to EMPLOYEE during the term of this Employment Agreement.

SECTION 12. GENERAL PROVISIONS:

- A. The text herein shall constitute the entire agreement between the parties.
- B. This agreement shall be binding upon and to the benefit of the heirs at law and executors of EMPLOYEE.
- C. This agreement becomes effective on January 1, 2007, and if automatically renewed shall be in effect through December 31, 2008.
- D. If any provision, or any portion hereof contained in this agreement is held to be unconstitutional, invalid or unenforceable, the portion thereof shall be deemed severable, and the remainder shall not be affected, and shall remain in full force and effect.
- E. Nothing in this agreement shall be construed as creating a multiple fiscal year obligation on the part of the City within the meaning of Colorado Constitution Article X, Section 20.
- F. The parties agree that this contract is entered into and shall be governed by the laws of the State of Colorado.

IN WITNESS WHEREOF, the City of Westminster, Colorado, has caused this agreement to be signed and executed on its behalf by its Mayor, and duly attested by its City Clerk, and EMPLOYEE has signed and executed this agreement.

Approved by Westminster City Council on this 9th day of October 2006.

ATTEST:

Nancy McNally, Mayor

City Clerk

J. Brent McFall

APPROVED AS TO FORM:

City Attorney



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
October 9, 2006



SUBJECT: Option Agreement Concerning Preservation of Historic Shoenberg Farms

Prepared By: Vicky Bunsen, Community Development Programs Coordinator

Recommended City Council Action

Authorize the City Manager to execute an agreement with the owners and developer of a parcel of land northwest of West 72nd Avenue and Sheridan, which includes the historic Shoenberg Farms buildings, to give the City an option to acquire, or facilitate the acquisition by end users of a parcel including the farm buildings for the purposes of preservation and adaptive re-use of these buildings.

Summary Statement

- Shoenberg Farms has operated since 1911 in the area northwest of West 72nd Avenue and Sheridan Boulevard, and has historical significance related to National Jewish Hospital and the commercial development of the Denver area during the 20th century.
- Once a large dairy and egg production facility and also the headquarters of Dolly Madison Ice Cream stores, eleven structures remain on the site, including buildings relating to both the 1911 construction of the farm for National Jewish Hospital and also buildings related to commercial growth of the operation during the Tepper family ownership.
- Cadence Capital Investment has submitted plans for the development of the area on which the Farm is located.
- Neither the owner of the Farm nor the developer wishes to preserve and re-use the farm buildings in their current configuration and condition.
- The owner and the developer wish to collaborate with the City by entering into a two-year option agreement that would provide City staff and consultants access to the Farm for the purpose of developing preservation plans, an acquisition strategy and finding appropriate end users for the historic buildings.

Expenditure Required: Use tax rebate estimated at \$100,000 to Cadence for costs of structure assessments and moving one or more historic buildings

Source of Funds: Use tax to be collected from new onsite development by Cadence

Policy Issues

Does City Council wish to pursue preservation and re-use of the historic Shoenberg Farms buildings by authorizing an option agreement that provides two years for the City staff to develop preservation plans and a financial strategy to support acquisition and rehabilitation of the farm buildings by public or private end users?

Does City Council want to commit use tax funds to this project?

Alternatives

Do not authorize execution of the option agreement. This alternative is not recommended because it is unlikely that the owner or developer of the property will preserve the historic farm buildings and find desirable end users for them.

Authorize execution of the option agreement with modified terms. The proposed agreement has been negotiated over a period of several months and modified terms are not likely to be accepted by the other parties to the agreement. Therefore, it is recommended that the agreement be approved in the proposed form.

Background Information

Historical Significance of Shoenberg Farms

The Dudley C. Shoenberg Memorial Farm (“Shoenberg Farm”) was donated to Denver’s National Jewish Hospital for the Consumptives (NJH) by Louis D. Shoenberg in 1912. The farm is historically significant for its association with NJH and its role in the treatment of tubercular patients in the 20th Century. NJH’s sanatorium included not only its Denver hospital and trade school (the latter was also built by a member of the Shoenberg family), but also the Shoenberg Farm that provided fresh milk, eggs and meat for the patients’ regimen of nutritious food essential in rebuilding “wasted” bodies. When the farm’s distance from the hospital became impractical, the farm was sold in 1921 to Jewish dairyman Jacob Tepper, who kept the Shoenberg Farm name and continued to supply NJH with milk, eggs and meat for several decades. It is believed to be the last intact farm in the Denver area associated with the 20th Century sanatorium movement.

In addition, the farm is representative of early 20th Century poultry and dairy farms and the built environment that typified the first dairy farms established in northern Jefferson County. The poultry and dairy farm operated from 1911 until August 2000, first as a direct supplier to NJH and later as a wholesale dairy operation that provided dairy products to restaurants, hotels, hospitals, large dairies, and institutions. The farm embodies the distinctive characteristics of the dairy farms found in northern Jefferson County in the first half of the 20th Century, as well as variations with its distinctive elliptical Quonset hut, wood and concrete silos and bungalow residence.

The community knows the site as Shoenberg Farm because it has been an active commercial and industrial site throughout the 20th Century. It was also the founding location for Dolly Madison Ice Cream stores.

Philanthropist Louis Shoenberg made his fortune as a partner with David May and brothers Moses and Joseph Shoenberg. David May was a failed silver miner in Leadville, Colorado, when in 1877 he opened his Great Western Auction House and Clothing Store selling Levi copper-riveted pants and red woolen "longies" to the local miners. The four partners opened their first store in Denver in 1888, which was the beginning of the present-day May Department Store Company.

Current Development Proposals

The Shoenberg Farm is now under great pressure from development on all sides. The owner, Jerry Tepper, has had the parcel on the real estate market for the past three years and has frequently indicated his willingness to demolish all of the remaining Farm structures. The area west of Mr. Tepper’s ownership is being developed by Village Homes and the site south of West 72nd Avenue was recently sold to Wal-Mart for development of a super-store. The intersection of Sheridan and 72nd Avenue will undergo major improvements over the next year.

Mr. Tepper entered into an agreement with developer Cadence Capital Investment to develop 17 acres of Tepper's remaining 27-acre parcel. He hopes to market the remaining 10 acres as a higher-density residential parcel, possibly as a senior housing project. Cadence has been in the process of gaining development approvals of the 17-acre area over the past year. The 17-acre parcel includes roughly 3.5 acres that are the Farm site.

Proposed Option Agreement Terms

City staff has been negotiating with Mr. Tepper and Cadence for two years, encouraging them to preserve the historic farm buildings within the context of proposed new commercial development. They have determined that they do not wish to undertake the challenges of adaptive re-use of these buildings. Therefore, terms of an option agreement have been negotiated that would provide the City with a no-cost option for a two-year period to either acquire the farm parcel or find buyers and end users for the historic buildings. Terms of this option include:

1. The City has two years from the date of execution of the agreement to give notice that it (or another buyer) intends to close on the property. There is no upfront cost for this option and the City has no obligation to close. The agreement does include a provision requiring the City to rebate use tax from the development to reimburse Cadence for study and building relocation costs. During this period, the City will have keys and access to all of the historic buildings and will be able to assess the structures, develop rehabilitation budgets, show the buildings to prospective owners and tenants, develop proposals for funding the expense of rehabilitation and preservation and develop proposals for funding acquisition from Mr. Tepper. The total square footage of the buildings, excluding the silos and metal well house, is 24,586.5 SF.
2. Tepper and Cadence have executed a development agreement between themselves in which Cadence is obligated to pay Tepper \$8/square foot plus a pro rata share of public improvement costs, including the costs of street improvements on Sheridan Boulevard and 72nd Avenue, as well as the construction of 73rd Avenue. This translates to a cost of roughly an additional \$5/sq.ft. or \$13/sq.ft. total. If 3.5 acres were acquired at this price, the cost would be \$1,982,000.
3. The cost of rehabilitation of the buildings is completely unknown at this point. The goal of obtaining the option agreement is to be able to fully assess costs, including hazardous material remediation, structural reinforcement, installation of mechanical and electrical systems, roofs, foundations and so on.
4. Tepper currently has three leases on the property. One is a month-to-month lease with a landscaping company and the option agreement assigns to the City the owner's right to enter the building occupied by the lessee. Two other leases are with cell phone companies. Each of these has ground facilities that may need to be moved, but they also provide roughly \$1500/month lease income to the owner, which may be revenue that ultimately helps the economics of the site.
5. Cadence is offering in the option agreement to advance up to \$30,000 to the City to help pay for assessment costs of the historic buildings. Cadence will be reimbursed through use tax to compensate for this loan to the City.
6. Cadence's proposed development plans require certain historic buildings to be moved in order to accommodate a drive lane desired by Cadence. City staff is working with Cadence to determine which buildings actually must be moved and whether the cost is justified. While Cadence has proposed that three buildings be moved, it appears that only one is actually in the path of the desired drive lane. This work would be performed at the up-front expense of Cadence and Tepper. Cadence will be reimbursed the use tax that it will be paying on the new development as compensation for its costs of moving the buildings.
7. In the proposed option agreement, Tepper and Cadence reserve the right to take any legally permitted action, including possible demolition of the buildings after two years if the City is unsuccessful in acquiring the farm parcel or does not find other buyers. The option agreement commits the owner to an additional 90-day period in which to consider rehabilitation of only the 1911 red brick buildings, if the

City funds the preservation costs. This reservation of the right of possible demolition includes the buildings that Cadence wants to move in 2007. The issue of demolition continues to be discussed in the development review process.

8. The option agreement provides for the City to have the opportunity to move and preserve the small brick house at 7373 Sheridan, which is now owned by Tepper, but was not a Shoenberg Farm building. The history and structural integrity of the building is being investigated.

9. The option agreement would automatically terminate if City Council denies approval of Cadence's proposed ODP.

10. During the two-year term of the option agreement, the parties are not responsible for maintenance or preservation of the farm buildings.

Possibilities for Preservation and Re-use

If the option agreement is approved, the next steps include finding appropriate end users and finding sufficient funding sources to pay for rehabilitation and acquisition of the properties. End uses that are being investigated include the following:

1. Farmhouse and garage (corner of future 73rd Avenue and Sheridan) – this small (.18 acre) site could be suitable for a small food user such as a deli, bakery, coffee, or could serve as an office.
2. Barn complex (including two small buildings and two silos) – sound recording studio and appurtenant uses in small buildings such as office, music classes, and small museum.
3. Large industrial buildings – Multiple users such as design professionals, artists (including sculptors, luthiers, glass and other industrial types of artistic production), farmers' market food manufacturers and wholesalers.
4. Quonset building – Year-round farmers market, neighborhood performance venue/theatre.

Staff has received a few inquiries from parties considering a “White Fence Farm” type of use, or brew pub, but the site constraints and lack of plentiful parking area makes high-traffic uses less desirable for the site.

The costs of land acquisition, public improvements and historic preservation make the farm parcels cost-prohibitive for many types of niche users, such as small-scale creative professionals. Grants, philanthropy and City (or WEDA) financial participation will most likely be necessary to achieve restoration, especially for historic structures that are not commercially useful, such as the two silos. Additional work needs to be completed to determine whether WEDA participation is feasible.

State Historical Fund staff recently encouraged City staff to file a grant application on October 2, 2006, to compete for state funds for the purpose of beginning historic structure assessments at Shoenberg Farm. A grant application was filed on October 2nd requesting \$25,000.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments:
Diagram
Proposed Option Agreement

AGREEMENT REGARDING SHOENBERG FARM BUILDINGS

This Agreement is entered into this ___ day of ___, 2006, by and between Tepper LLC, Jerry J. Tepper, Debra E. Tepper, Cook Islands Trust LLC (together referenced herein as "Owner"), Cadence Capital Investment ("Developer"), and the City of Westminster ("City"), a Colorado home rule city, 4800 West 92nd Avenue, Westminster, Colorado 80031.

A. Recitals

1. The Owner owns approximately 26.9 acres of land (the "Owner's Parcel") at the northwest corner of West 72nd Avenue and Sheridan Boulevard, within the City of Westminster. The Owner has entered into a joint venture agreement with the Developer to sell approximately 17 acres of the Owner's Parcel (the Larger Parcel) to the Developer, subject to the contingencies contained in the agreement between the Owner and the Developer.
2. The Developer submitted an application for development review (Official Development Plan, "ODP") for the construction of a retail shopping center on the Larger Parcel (the "Project") to the City on June 24, 2005.
3. Within the Larger Parcel is a parcel of approximately 3.5 acres containing buildings that were once used as part of the operations of Shoenberg Farm (the "Farm Parcel"). The precise size and boundaries of the Farm Parcel is expected to be finalized during the Developer's development review process with the City. An inventory of the structures associated with the Shoenberg Farm on the Farm Parcels is contained in Attachment A (the "Farm Buildings").
4. The Farm Buildings have not been maintained for many years, and are in a state of extreme disrepair.
5. The Farm Buildings can be divided into two categories: those buildings built around 1911, which are mostly located towards the east of the Farm Parcel, closest to Sheridan Boulevard (Farm Sub-Parcel A) and those which were built after 1911, which are mostly located towards the west, away from Sheridan Boulevard, and (Farm Sub-Parcel B). Attachment B shows the general outlines of Farm Parcel A and Farm Parcel B.
6. The Owner has caused to be prepared a preliminary evaluation of the Farm Buildings to research the eligibility of these structures for listing on the National Register of Historic Places. The Owner has caused the preliminary evaluation to be filed with the State Historic Preservation Office. The Owner has not sought designation of the Farm Buildings as a local historic landmark, nor has he nominated the Farm Buildings to the State Register of Historic Properties or the National Register of Historic Places.
7. The City regards the Farm Buildings to be an important cultural resource and significant to both local and Colorado state history. It is the goal of the City to cause the Farm Buildings to be preserved as a historical and educational resource and to cause the Farm Buildings to be adaptively re-used in a manner compatible with residential and commercial development in the adjacent neighborhood.
8. The Developer wishes to rezone approximately X acres of the Larger Parcel northwest of and adjacent to Sheridan Boulevard and the proposed alignment of West 73rd Avenue west of Sheridan from residential to commercial zoning (the "Residential Parcel"). The City's Comprehensive Land Use Plan ("CLUP") currently designates the Residential Parcel for residential uses.
9. The balance of the Larger Parcel, not including the Residential Parcel, but including the Farm Parcel, is zoned for commercial development, and designated as Retail Commercial by the CLUP. No formal historic or landmark designation is applicable to the Farm Parcels.

10. Although the Developer and Owner regard the Farm Parcels as valuable and developable commercial property, the Developer and Owner wish to assist the City in achieving its goal of preserving the Farm Buildings, and is willing to design and undertake the Project so as to preserve the Farm Buildings, to the extent commercially reasonable, within the terms and conditions of this Agreement.

NOW, THEREFORE, in consideration of the foregoing, the parties hereto promise, covenant, and agree as follows

B. Option to Purchase

1. The Owner and the Developer hereby grant to the City an Option to Purchase the entire Farm Parcel, which option extends for two years from the date of execution of this Agreement (the "Term" of this Option to Purchase) and the terms of which are outlined herein ("Option to Purchase"). If the Farm Parcel is acquired pursuant to this agreement, the Farm Parcels shall only be subject to those declarations, covenants, cross easements or other legal encumbrances applicable to the Larger Parcel (a sample of which is attached hereto as Attachment C), to the extent that the Farm Parcels are benefited by off-site improvements such as drainage facilities, but the Farm Parcel owners shall have the option of owning and maintaining their own common areas (including parking and landscaping) independently of the new development on the Larger Parcel. All owners of properties within the Larger Parcel, including the Farm Parcels, shall allow cross-traffic by vehicles and pedestrians as shown on the Developer's ODP. The City's right under the Option to Purchase places the City in the same position as the Developer with respect to the purchase of the Farm Parcel. The Agreement between Developer and Owner provides that the Developer has the right to purchase the Larger Parcel at the base price of \$8.00 per square foot, plus the increased value of the entire Property due to the actual cost of the public improvements constructed by Developer, including, but not limited to, traffic signals and other street improvements, curb and gutter, sidewalks, water, sewer, and drainage ("Additional Improvement Costs"). As of the signing of this Agreement, this amount is estimated to be approximately \$5.00 per square foot, in addition to the \$8.00 per square foot base price, for a total purchase price of approximately \$13.00 per square foot ("Improved Purchase Price"). Notwithstanding these additional costs, the Option to Purchase granted to the City for the Farm Parcels pursuant to this Agreement is granted at a price per square foot no more and no less than the price Developer actually pays Owner for the Larger Parcel, including a pro rata share of the cost of constructing the improvements attributable to the Farm Parcels, that is, the Improved Purchase Price. In the granting of this Option to Purchase, the Developer is serving as a pass-through entity, and is neither seeking nor receiving any profit on the sale of the Farm Parcels to the City. The street improvement costs shall be allocated in one of the following ways:

- a. All street improvement costs, including the length of West 73rd Avenue from Sheridan to the Village Homes residential development, shall be allocated on a per square foot basis to the entire Larger Parcel, or

- b. The Farm Parcels shall not receive an allocation of the costs of West 72nd Avenue and Sheridan Boulevard improvements, but shall be responsible for the cost of 50% of the cost of West 73rd Avenue along the Farm Parcel frontage on the new street.

The City or any other prospective buyer of the Farm Parcel shall have the right to inspect books, contracts, invoices and payments of the Owner and Developer to verify the cost allocation pursuant to this paragraph.

2. The Option to Purchase is granted AS IS, NO WARRANTIES, with respect to the title of the Farm Parcel, and the condition and usefulness of the Farm Buildings for any particular purpose. The Owner and Developer agree to provide to the City any environmental reports in their possession related to the Farm Parcel upon request.

3. The Option to Purchase may be exercised by the City by providing written notice to the Owner and the Developer, which notice shall specify a closing date not later than thirty (30) days after the second anniversary of the execution of this Agreement.
4. The City shall pay all costs of financing, title insurance and closing. The Owner shall pay all taxes through the date of closing and shall deliver title clear of all encumbrances and liens.
5. Notwithstanding the two-year term of the Option to Purchase, the Option to Purchase shall terminate immediately following any City Council hearing at which approval of the ODP is denied.
6. Three of the historical buildings are currently occupied pursuant to lease agreements between the Owner and various tenants. Two of these are cell towers, located on the silo and the smokestack, and one is a landscaping tenant, occupying the milk house. The parties agree that, during the pendency of this Option to Purchase, and unless and until the City exercises this option to purchase, these tenants can remain in their current location, and these leases will not be interfered with by any party to this agreement. The Owner hereby assigns to the City the Owner's non-exclusive right to enter the premises leased by the landscaping company, Sembrar, pursuant to paragraph 18 of the Real Estate Lease dated January 27, 2004, between Tepper LLC and Sembrar.

C. Special Provisions Regarding Farm Parcel A

1. With respect to Farm Sub-Parcel A, the following special provisions apply.
2. Upon expiration of the Option to Purchase, (but not termination pursuant to a denial by City Council of the ODP as described in Paragraph B.7), if the City has not exercised the Option, the Owner of Farm Sub-Parcel A agrees that, for a period of 90 days following the expiration of the Option to Purchase, that Owner will not take action to move, remove or demolish the buildings on Farm Sub-Parcel A. During this time, either the Owner or the City may propose to each other a program for restoration and/or preservation of the Farm Buildings located on Sub-Parcel A.
3. The Owner is only obligated to propose or to carry out such program for restoration and/or preservation to the extent the City and the Owner have entered into an agreement providing incentives to the Owner equal to the actual cost of restoration and/or preservation of the Farm Buildings located on Farm Sub-Parcel A. The parties agree to negotiate in good faith towards such agreement following either Owner or City's proposal for a program for restoration and/or preservation of the Farm Buildings located on Sub-Parcel A. Such restoration and/or preservation shall be to current City code standards, but excluding tenant finishes.
4. If an Agreement between the City and Owner has not been executed within 90 days of the termination of the Option to Purchase, this special provision terminates, and the Owner may take any action otherwise legally permitted with respect to Farm Sub-Parcel A.

D. Special Provisions Regarding Farm Sub-Parcel B

5. With respect to Farm Sub-Parcel B, the following special provisions apply.
6. The ODP includes a proposed development program for Farm Sub-Parcel B, which is proposed in the alternative.
7. If the City does not exercise the Option to Purchase prior to its expiration then the Developer may proceed to develop the program as authorized in the ODP.

E. Obligations of the Parties

1. The Owner and the Developer agree to forbear moving or demolishing any Farm Building or filing an application to develop the Farm Parcel during the two-year Term of this of the Option to Purchase, with the following exceptions:
 - a. Any moving of buildings allowed by an approved Official Development Plan may be completed as provided therein.
 - b. If the Option to Purchase is terminated following a denial by City Council of the ODP the Owner and Developer are no longer bound by this agreement to forbear moving or demolishing the Farm Buildings, or filing an application to develop the Farm Parcel.
2. The Developer has requested through the ODP that three of the Farm Buildings located on Farm Sub-Parcel A (the two-story red brick garage and the red brick well house and small milk building) be moved in order to facilitate access to the Developer's new buildings on the Larger Parcel. If the access proposed in the Developer's Official Development Plan (ODP) is approved, the Developer is responsible for advancing the costs of moving the buildings (but not upgrades, interior finish, or work necessary to bring the buildings up to current code, or render them otherwise habitable) as shown on the ODP.
3. Upon the Developer's submittal of receipts evidencing the costs incurred in moving the buildings, the cost of moving the buildings pursuant to this paragraph shall be reimbursed by the City in the form of a use tax rebate from the use taxes collected from the construction of improvements on the Larger Parcel (not including the Farm Parcels) to the extent that said use taxes are received by the City. Following receipt of a cost estimate for moving the buildings, but prior to execution of a contract for same, Developer agrees to provide to the City a copy of the estimate for its review and approval, which shall not be unreasonably held. If the City denies approval of the cost estimate, it shall become the responsibility of the City to provide a less costly alternative. Approval of the estimate by the City does not guarantee that sufficient use taxes will be generated to reimburse the estimated costs.
4. The Developer, Owner or successors in interest shall have the right to approve, which approval shall not be unreasonably withheld, any proposed re-use plans for the Farm Parcel by the City. The primary purpose of this provision is to ensure that the proposed re-use plans do not include uses that are direct competitors to the tenants in the Larger Parcel, or which create negative impacts on the aesthetics or functioning of the overall development. The parties agree to cooperate in good faith with respect to this provision, and to exercise all commercially reasonable efforts to reach agreement regarding proposed re-use plans for the Farm Parcel. The memorandum attached hereto as Attachment C contains further detail concerning the parties' understanding regarding permissible and prohibited uses on the Farm Parcels.
5. During the Term of the two-year Option to Purchase, the City shall have keys to all of the Farm Buildings and shall have full access to conduct all inspections and investigations that it, in its sole discretion, shall deem to be necessary, including inspection and testing of suspected hazardous materials on the Farm Parcels and within the buildings thereon.
6. However, the City agrees that it will coordinate such access to the Farm Buildings with Developer and Owner so as to avoid unreasonably interfering with the use and activity of the Developer and Owner on the Larger Parcel associated with proceeding with the development of the Larger Parcel, and in order to protect the safety of all personnel who may be on the Property at any given time.
7. In no event shall the Owner or Developer have any liability or responsibility for maintenance or preservation of the Farm Buildings or the Farm Parcel during the term of this Agreement, except for the agreement to forbear their removal or demolition as set forth herein. The parties acknowledge that the Farm Buildings are currently in a state of disrepair, and are not secured. No party to this Agreement has any responsibility for repairing, upgrading, securing, or otherwise

improving the current condition of the Farm Buildings, but both parties agree not to take any actions which would cause these conditions to deteriorate further. This Agreement does not create a claim in favor of City against Owner or Developer for any damage or destruction to the Farm Buildings that should occur during the Term of this Agreement.

8. At the conclusion of the two-year Option to Purchase, if the City has not exercised the Option to Purchase the Farm Parcel, the special provisions outlined in this Agreement with respect to Farm Sub-Parcel A and Farm Sub-Parcel B will apply.
9. Although City, Owner and Developer acknowledge cross-parking easements may be required by the ODP or to accommodate future uses of the Farm Buildings, all parties also agree that development on the Larger Parcel and development on the Farm Parcels must each independently comply with the City's parking requirements without reliance on parking provided on the other parcel. Additionally, parking provided for uses on both the Larger Parcel and Farm Parcels must be reasonably adjacent and convenient for the customers or other visitors of such uses. If this results in a requirement that the parties agree to limit the amount of certain parking intensive uses, such as restaurants, on the Farm Parcels, or on the Larger Parcel in the vicinity of the Farm Parcels, the parties agree to negotiate in good faith a fair mutual limitation.

F. Option to Move House

1. If the Developer determines a specific time by which the masonry house at 7373 Sheridan Boulevard will be demolished, it shall give notice as soon reasonably practicable to the City and permit the City to relocate the house. The Owner and Developer shall have no obligation for any expense related to relocating the house nor shall the Owner and Developer charge the City any fee for removal of the house.
2. Should the City elect to relocate the masonry house at 7373 Sheridan Boulevard, it may request permission of the Owner and Developer to store the house on the Farm Parcels during the two-year term of the Option to Purchase. The Developer and Owner agree to give reasonable consideration to such request by the City, provided the City accepts liability for any damages arising from such storage, and that the Parties can agree on a location and placement that will not aesthetically detract from the ongoing development of the Larger Parcel.
3. In the alternative, the City encourages the Developer to preserve the house, apply for designation as a local historic landmark, and incorporate the house into new development. If the Developer chooses to reuse the house and not demolish it, the City shall have no right to relocate it.

G. Adaptive Re-Use

1. Upon written request of the City, the Developer will advance up to \$30,000 to the City for the purpose of performing a Historic Structures Assessment (HSA) pursuant to Colorado State Historical Fund standards. The City will reimburse the Developer for the amount advanced, in the form of a use tax rebate from the use taxes collected from the construction of improvements on the Larger Parcel (not including the Farm Parcels). If HSA costs exceed \$30,000, the Developer shall have no further obligation to advance funds. The City will hire the consultants and manage the HSA project.
2. Developer agrees to pay all applicable use taxes as such payments become due and owing. At any time within one year of the date on which the use tax payment is incurred, Developer may present to the City Manager evidence of payment with a written request for reimbursement. The City agrees to reimburse Developer up to the total of \$30,000 for the Historic Structures Assessment. The City agrees to make payment for the amounts submitted within 30 days of each request.

H. Miscellaneous

1. **Term of Agreement.** The Option to Purchase granted in this Agreement expires two years from the date on which this Agreement is executed. However, because many of the rights and obligations of the parties remain in effect following the expiration of the Option to Purchase, the Term of the entire Agreement shall be three (3) years from the date of execution of this Agreement.
2. **Assignment.** The rights and obligations of City under this Agreement may be assigned by the City to the Westminster Economic Development Authority or the Westminster Housing Authority in the sole discretion of the City, so long as Owner and Developer are held harmless in any such assignment.
3. **Notice.** All notices required or permitted by this Agreement shall be in writing, shall be hand delivered, transmitted by facsimile, or sent by electronic or certified mail, return receipt requested, to the following addresses and/or facsimile numbers:

City:

J. Brent McFall
City Manager
4800 West 92nd Avenue
Westminster, Colorado 80031
Voice: 303-430-2400
Fax: (303) 430-1809
Email: bmcfall@ci.westminster.co.us

With copies to:

Vicky Bunsen
Community Development
Programs Coordinator
4800 West 92nd Avenue
Westminster, Colorado 80031
Voice: 303-430-2400 x2111
Fax: 303-426-5857
Email: vbunsen@ci.westminster.co.us

And

Jane Greenfield
Assistant City Attorney
4800 West 92nd Avenue
Westminster, Colorado 80031
Voice: 303-430-2400 x2233
Fax: 303-426-5857
Email: jgreenfield@ci.westminster.co.us

Owner:

Jerry Tepper
221 S Eudora Street
Denver, Colorado 80246
(720) 244-1282

Developer:

Cadence Capital Investment
Greg Ham
8480 East Orchard Road
Suite 6900
Greenwood Village, CO 80111
Voice: (720) 493-5100
Fax: (720) 493-3801
gham@cadencecap.com

With a copy to:

Carolynne White
Brownstein Hyatt & Farber, PC
410 17th Street, Suite 2200
Denver, CO 80202
Voice: 303-223-1197
Fax: 303-223-0997
Email: cwhite@bhf-law.com

4. **Amendment.** No amendment, modification, or alteration of the terms or provisions of this Agreement shall be binding upon the City, Owner or Developer unless the same is in writing and duly executed by the Parties.
5. **Article and Section Captions.** The captions of the articles and sections of this Agreement are set forth only for the convenience and reference of the parties and are not intended in any way to define, limit, or describe the scope or intent of this Agreement.
6. **Binding Effect.** This Agreement shall inure to the benefit of and shall be binding upon the City, Owner and the Developer and the Owner and Developer's successors and assigns.
7. **Enforcement.** In the event it becomes necessary for either party to bring an action to enforce any provision of this Agreement, the prevailing party in such action shall be entitled to recover all costs associated with the bringing of such an action, including reasonable attorney fees, as the same may be determined by the Court.
8. **Execution.** This Agreement may be executed simultaneously in two or more counterparts that, when taken together, shall be deemed an original and constitute one and the same document. The signature of any Party to the counterpart shall be deemed a signature to the Agreement, and may be appended to, any other counterpart. Facsimile transmission of executed signature pages shall be sufficient to bind the executing Party.
9. **Entire Agreement.** This Agreement embodies the whole agreement of the parties concerning the right of the City to purchase the Shoenberg Farm Buildings and the Farm Parcels. Although it is anticipated there will be at least one other agreement governing typical development and public improvement issues, there are no other promises, terms, conditions, or obligations, other than those contained herein, with respect to the purchase of the Farm Buildings or the Farm Parcel. This Agreement shall supersede all previous provisions, communications, representations, or agreement, either verbal or written, between the parties hereto with respect to the purchase of the Farm Buildings or the Farm Parcel
10. **Governing Law.** This Agreement is being executed and delivered and is intended to be performed in the State of Colorado, and the laws of Colorado shall govern the validity, construction, enforcement and interpretation of this Agreement. Exclusive jurisdiction and venue for resolution of any dispute arising hereunder shall be in the Jefferson County, Colorado District Court.

11. **No Third Party Beneficiaries.** Nothing in this Agreement shall be construed as creating any third party beneficiary rights or status to any third party and the City, the Owner and the Developer expressly disclaim any intent to create any such third party beneficiary rights or status by this Agreement.
12. **No Covenant.** Nothing herein shall in any way be construed as a covenant on the part of the Developer to commence construction of the Project. Nothing herein shall in any way be construed as a covenant to operate any retail facility on the subject property.
13. **Severability.** If any covenant, term, condition, or provision of this Agreement shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such covenant, term, condition, or provision shall not affect any other provision contained herein, the intention being that the provisions of this Agreement shall be deemed severable.
14. **Waiver.** No failure by either party to enforce any provision of this Agreement shall be considered a waiver by either party of any rights to performance owed to the other party pursuant to this Agreement. Either party may elect to enforce any unperformed obligation owed to it by the other party pursuant to this Agreement at any time. No waiver of any provision of this Agreement shall be effective against the other party unless such waiver is set forth in a written instrument duly executed by the other party. No waiver of any provision of this Agreement shall be construed as a waiver of any other provision of this Agreement.

OWNER

TEPPER PARTNERS, LLC

By: _____
(Printed Name)

Attest: _____
(Printed Name)

Title: _____

Title: _____

JERRYJ. TEPPER

By: _____
(Jerry J. Tepper)

Attest: _____
(Printed Name)

Title: _____

Title: _____

DEBRA E. TEPPER

By: _____
(Debra E. Tepper)

Attest: _____
(Printed Name)

Title: _____

Title: _____

COOK ISLANDS TRUST, LLC

By: _____
(Printed Name)

Attest: _____
(Printed Name)

Title: _____

Title: _____

DEVELOPER

CADENCE CAPITAL INVESTMENT

By: _____

(Greg Ham)

Title: _____

Attest: _____

(Printed Name)

Title: _____

CITY OF WESTMINSTER, COLORADO

By: _____

City Manager

Attest: _____

Administrative Secretary

Approved as to legal form:

City Attorney

Material	Date of Construction	Building	Dimensions	Area
Brick	1911	Farmhouse with basement	28'x39'	1,092 SF
Brick	1911	Two-story garage (residence above)	26.2'x19.6'	513.5 SF
Brick	1911	Well house (garden level)	26'x16'	416 SF
brick	1911	Milk and icehouse	26'x45'	1,170 SF
Wooden stave	1911	Silo	16' O.D.	
Poured concrete	1950s?	Silo	16' O.D.	
Brick	1911	Dairy barn (two-story)	37.1'x92.3	3,424.33 SF
Brick, concrete, steel	1940-50s	Processing Plant	Roughly 80' x100'	Est. 8,000 SF
Metal	1940s	Boiler plant, truck maintenance	41'x60'	2,460 SF
Metal	1940s	well house	12.5'x16'	200 SF
Metal and wood	1941-43	Quonset	50.7'x144.2'	7,311 SF

OFFICIAL DEVELOPMENT PLAN
 WITHIN THE AMENDED SHOENBERG FARMS P.U.D. IN THE CITY OF
 WESTMINSTER, COUNTY OF JEFFERSON, STATE OF COLORADO
 SHEET 5 OF 23

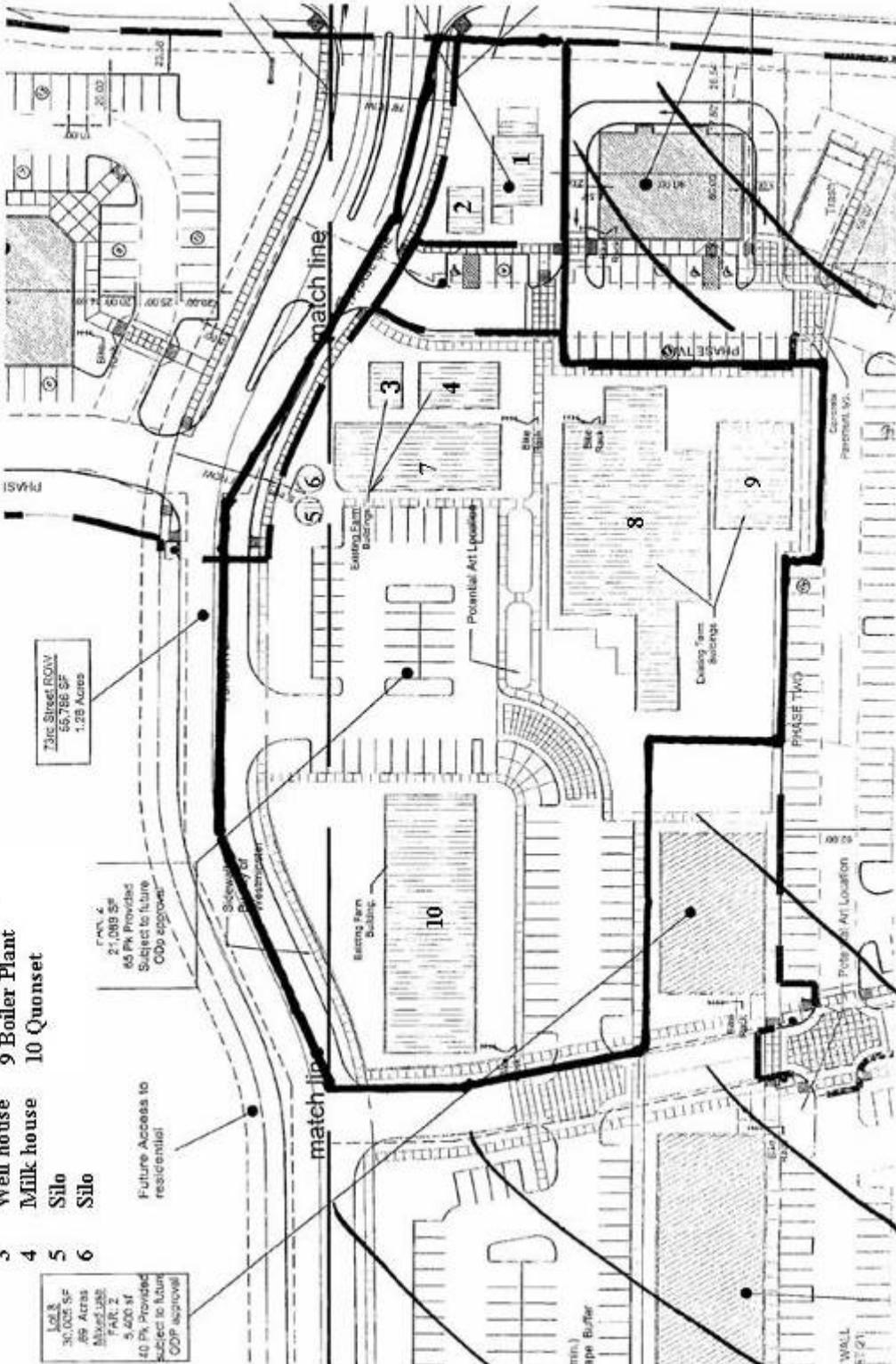
Key

- 1 Farmhouse
- 2 Garage
- 3 Well house
- 4 Milk house
- 5 Silo
- 6 Silo
- 7 Barn
- 8 Processing Plant
- 9 Boiler Plant
- 10 Quonset

Lot 3
 30,025 SF
 89 Acres
 Mixed Use
 FAR: 2
 5,600 SF
 40 PK Provided
 Subject to future
 GDP approval

Lot 4
 21,089 SF
 48 PK Provided
 Subject to future
 GDP approval

Tric Street ROW
 56,766 SF
 1.28 Acres



Attachment B

Draft
DECLARATION OF EASEMENTS, COVENANTS AND RESTRICTIONS

THIS DECLARATION is made as of the ____ day of _____, 2006, by Cadence _____, a Colorado limited liability company ("**Declarant**").

1. Purpose of Declaration. Declarant is the owner of certain real property located in the City of Westminster, Colorado (the "City"), more particularly described as Tepper/Shoenberg Farms, County of Jefferson, State of Colorado (the "**Property**"). A final Official Development Plan/PUD for the Property (as approved by and on file with the City and as it may be amended in the future with the approval of the City, the "**ODP**") requires that the Property be developed as an integrated project with interior driveways, parking areas, landscaped areas and water detention areas. Declarant has executed this Declaration to establish appropriate reciprocal easements and covenants for use and maintenance of such driveways, parking areas, landscaped areas and detention areas, as well as certain other rights and obligations relating to the Property.

2. Definitions. Unless otherwise indicated, capitalized terms used in this Declaration shall have the meanings set forth below.

- (a) "**Authorized Person**" shall mean each Owner, the tenants, subtenants and concessionaires of any portion of the Property, and then respective customers, licensees, invitees, employees and agents.
- (b) "**Common Areas**" shall mean all portions of the Property which are now or hereafter made available from time to time by any Owner for the general use and convenience of Authorized Persons, such as parking areas, service areas, exits, entrances, sidewalks, exterior landscaping, exterior lighting, common monument or other signs, incidental and interior driveways, and similar areas, but shall not include buildings and loading areas. Common Areas shall also include any portions of the Property used or reserved for a special purpose in accordance with approval of development of the Property by the City, such as landscape buffers and Detention Areas.
- (c) "**Declarant**" shall mean Cadence Capital Investment, a Colorado limited liability company, so long as it owns any Lot.
- (d) "**Detention Areas**" shall mean the portions of the Property or off-site areas designated on the Development Plan for control or detention of water, if any.
- (e) "**Environmental Laws**" shall mean all present and future federal, state and local laws, ordinances, rules, regulations, decisions and other requirements of governmental authorities relating specifically to any Hazardous Material or generally to the environment.

Attachment C

- (f) **"Hazardous Material"** shall mean any material or substance which is defined as hazardous or toxic under any Environmental Law or which, because of toxicity, corrosivity, reactivity, ignitability, carcinogenicity, magnification or concentration within biologic chains, presents a demonstrated threat to biologic processes when discharged into the environment.
- (g) **"Lot"** shall mean each separately subdivided portion of the Property, whether created by the existing recorded plat of the Property or any replat.
- (h) **"Occupant"** shall mean the Owner of a Lot and any other person who owns or is in exclusive legal possession of all or any portion of a Lot or any separately demised portion of the improvements on any Lot.
- (i) **"Owner"** shall mean each person or entity that owns fee simple title to a Lot, including Declarant.

3. Traffic and Use Easements. Declarant hereby establishes and declares the following traffic easements over and across the Common Areas (the **"Traffic and Use Easements"**) for the benefit of each Lot:

- (a) nonexclusive easements for the purpose of pedestrian traffic of Authorized Persons over such portions of the Common Areas as may now or hereafter be improved and utilized as pedestrian walkways;
- (b) nonexclusive easements for the purpose of the driving and parking of motor vehicles by any Authorized Person on those portions of the Common Areas which are improved now or in the future for such purposes (provided, however, that the parking areas on each Lot shall be sufficient to satisfy independently all the parking requirements of the City applicable to the existing and/or intended use of such Lot); and
- (c) nonexclusive easements over such portions of the Common Areas as may now or hereafter be improved and utilized as driveways for the purpose of furnishing access between the driveways and parking areas of any portion of the Property and the public streets and ways abutting the Property from time to time; and
- (d) nonexclusive easements for the purpose of constructing, renovating, repairing or remodeling the improvements on any Lot, including grading, balancing and compaction of soils and other sitework materials, reconstruction, storage of supplies and materials, installation, replacement, modification, care and maintenance, provided that (i) use of any other Lot for such purposes is reasonably necessary, is diligently prosecuted in accordance with sound construction practices and does not unreasonably interfere with the use of such other Lot or any improvements thereon, (ii) no materials or supplies shall be stored, and no staging shall be permitted, on any Lot except for the Lot on which such work is being performed, (iii) such work shall be diligently prosecuted in accordance with, sound construction practices and shall not unreasonably interfere with the use of any other Lot or any improvements thereon, and (iv) any damage to improvements on another Lot or in the Common Areas is immediately repaired, and all construction debris is immediately removed, by the Owner performing such construction activities at such Owner's sole cost and expense.

The Traffic and Use Easements shall include easements for the construction and use of structures and other improvements in accordance with the Development Plan to facilitate use of the Common Areas for the purposes set forth above. The Traffic and Use Easements are limited to purposes connected with or incidental to usual and customary use being made of any portion of the Property by an Authorized Person. No Owner, Occupant or Authorized Person shall cause or permit the construction of any barricade or other divider for the purpose of prohibiting or discouraging the free and uninterrupted flow

of vehicular or pedestrian traffic over the Common Areas, except any temporary barriers as may be necessary or advisable from time to time to avoid the possibility of dedicating any such areas for public use or creating prescriptive rights therein. In no event shall any charges whatsoever be levied by any Owner, Occupant or Authorized Person for use of any Common Areas.

4. Detention Areas; Utility and Service Easements.

- (a) Declarant hereby establishes and declares the following easements for the benefit of each Lot: (i) a nonexclusive easement over and across the Common Areas for the flow of a reasonable volume of surface water consistent with the master drainage plan for the Property, and (ii) a perpetual, non-exclusive easement on, over and across the Detention Areas on any Lot for the purpose of collection and detention of surface water drainage from the Property.
- (b) Each Owner, and each mortgagee of any Lot, shall cooperate in the granting of appropriate easements for the installation, repair and replacement of storm drains, sewers, utilities and other services necessary for the orderly development and operation of the Property ("**Utility Facilities**"). Utility Facilities shall not be installed outside of dedicated easement areas and rights-of-way shown on any recorded plat unless the Owners and mortgagees of affected Lots consent in writing to such installation, which consent shall not be unreasonably conditioned, delayed or withheld. All installation of Utility Facilities shall be conducted at such times of the day, week and year as to minimize interference with normal operation of the Lots. The Owner performing any such installation shall indemnify and defend the Owners and Occupants of affected Lots against all claims and expense relating to such work. The Owner of a Lot shall have the right, at any time and from time to time, to relocate any Utility Facilities located on such Owner's Lot on the following conditions: (i) such right of relocation may be exercised only after 30 days' prior written notice of intention to relocate has been given to all Owners using the Utilities Facilities to be relocated; (ii) such relocation shall not unreasonably interrupt utility service to any building; (iii) such relocation shall not reduce or unreasonably impair the usefulness or function of the relocated Utility Facilities; (iv) all costs of such relocation shall be borne by the Owner relocating the Utility Facilities; and (v) any such relocation shall be approved by the City or any other governmental authority having jurisdiction. The Owner shall perform all such installation, maintenance and relocation of any Utility Facilities to the applicable standards of the City and shall, upon completion of such work, substantially restore the surface of the affected area to its condition prior to such work consistent with such standards.

5. Construction of Improvements.

- (a) Development of the Property requires that the Common Areas be improved for their intended purposes. All Common Areas shall be constructed to the applicable standards of the City. After initial construction, (i) the main drive aisles and curb cuts shown on the Development Plan ("No Change Areas") may not be changed without the unanimous consent of the Owners and (ii) the other Common Areas on any Lot may not thereafter be relocated or materially altered without the prior written approval of Declarant (or, if Declarant no longer owns any Lot, by Owners with an aggregate Owner's Proportionate Share greater than 50%), which approval shall not be unreasonably withheld or delayed.
- (b) Each building constructed on the Property shall be of good quality, in full compliance with all applicable building code requirements and designed so that its exterior elevations, signs, color and other architectural elements will be compatible and harmonious with the other buildings on the Property, except that Declarant and all Owners recognize that the historic structures located on the Farm parcels will not be required to be architecturally and aesthetically compatible with the new construction on the Property, and consistent with all requirements of the Development Plan. Any Owner seeking City approval of specific improvements to a Lot shall notify Declarant (or, if Declarant no longer owns any Lot, shall notify the other Owners) in writing that such approval is being sought, including sufficient information to enable Declarant (or the other Owners, if Declarant no longer owns any Lot) to make a reasonable determination as to the architectural and aesthetic compatibility of such improvements with the existing improvements to the Property. No Owner shall construct any improvements to a Lot pursuant to any variance permitted by the City from published or established standards without the prior written approval of Declarant (or, if Declarant no longer owns any Lot, by Owners with an aggregate Owner's Proportionate Share greater than 50%), which approval shall not be unreasonably withheld or delayed. Once a

building is constructed on a Lot in compliance with this Declaration, such improvements may be modified without the prior written consent of Declarant (or the other Owners, if Declarant no longer owns any Lot) provided such modifications are generally compatible and harmonious with the other buildings on the Property, are consistent with the requirements of the Development Plan and are approved by the applicable governmental authorities. Notwithstanding any condition of this Declaration to the contrary, no Owner of any of the Lots shall have the right to require that any free-standing building constructed on another Lot have a sprinkler system.

6. Maintenance of Common Areas

- (a) The Owner of each Lot shall maintain and keep in a clean and orderly condition and in compliance with all applicable laws, rules, regulations and ordinances of any applicable governmental authority, (a) all of the Common Area on its Lot, including the maintenance, repair and replacement of the Parking Lots, the Access Drive, and all roads, driveways, walkways, sidewalks, parking areas, drainage facilities, retention ponds, structures, utility lines, pipes, plumbing, wires, conduits, plantings, landscaping and other improvements constructed, installed or planted within the Common Areas and (b) to the extent not maintained by the City of Westminster, all of the areas contiguous to a Lot situated in the rights of way between the property line of the Owner's Lot to the back of the curb for the roadway. The obligation of each Owner hereunder shall include, but shall not be limited to the following:
- i. maintaining the surfaces at such grades and levels that they may be used and enjoyed as contiguous and homogeneous common areas, and maintaining the surfaces in a level, smooth and evenly-covered condition with the type of surfacing material originally installed or of similar quality, use and durability;
 - ii. removing all papers, debris, snow, ice, filth and refuse, and thoroughly sweeping the areas to the extent reasonably necessary to keep said areas in a neat, clean and orderly condition;
 - iii. placing, keeping in repair, and replacing any necessary and appropriate directional signs, striping markers and lines, and operating, keeping in repair, and replacing when necessary, such artificial light facilities as shall be reasonably required;
 - iv. maintaining any perimeter walls, sidewalks, storm drains, utility lines and sewers in good condition and state of repair;
 - v. maintaining all landscaped areas, making such replacements of trees, shrubs, plants and other landscaping as is necessary, and keeping said areas at all times adequately weeded, fertilized and watered;
 - vi. paying all taxes and assessments applicable to the Common Areas on its Lot, including taxes for the portion of the Access Drive and Detention Area on a particular Owner's Lot.
- (b) Any such maintenance or repair activities shall be performed in a manner consistent with similar commercial developments in the Westminster, Colorado area and in such a manner as to not disrupt during normal business hours any Owner's or Permittee's business operations or the use and enjoyment of its Lot.

7. Ownership of Detention Area and Assessments for Detention Pond.

- (a) Unless otherwise agreed by all Owners as evidenced by an amendment hereto, the Owner(s) of Lot(s) ___ and ___ shall be the Owner(s) of the Detention Area, shall operate, repair and maintain the Detention Area(s) in good, clean, and safe condition in compliance with applicable laws, rules, regulations and ordinances of any governmental authority, shall obtain and maintain liability insurance with respect to the Detention Area, and shall be responsible for the costs and expenses associated with the ownership, repair and maintenance of the Detention Area. The

Owner(s) of Lot _____ shall be permitted to assess each other Owner for its Proportionate Share of the reasonable costs, and expenses (including insurance) incurred by the Owner of Lot _____ in the ownership, operation, and maintenance of the Detention Area (excluding the portion of the Access Road located within the Detention Area ("Detention Pond"). Such costs shall be referred to herein as the "Detention Pond Costs". The Owner of Lot _____ shall, as soon as practical after the end of each calendar year, prepare and submit to each Owner the total actual Detention Pond Costs incurred by the Owner of Lot _____ for the calendar year just expired along with a schedule showing each Owner's Proportionate Share of the Detention Pond Costs for such calendar year. If requested by an Owner, the Owner of Lot _____ shall provide copies of bills, contracts, invoices, cancelled checks and such other information as reasonably requested by an Owner to verify the actual Detention Pond Costs incurred by the Lot ____ Owner(s).

- (b) Payment of Assessments. Each Owner shall reimburse the Owner of Lot ____ for its Proportionate Share of the Detention Pond Costs incurred by the Owner of Lot _____ for the year just expired within thirty (30) days of receipt of the invoice. Such Proportionate Share shall be calculated based upon the ratio of the impervious surface on each Lot divided by the total of the impervious surfaces within the development, including internal streets.

8. Exterior Maintenance by Owners. Each Owner shall maintain its Lot, together with the exterior of all improvements thereon, in a condition similar to other similar commercial developments in the Westminster, Colorado area. Specifically, each Owner shall perform regular maintenance on its Lot and the exterior of all improvements thereon in order to keep its Lot and improvements thereon in a safe condition, to preserve the original improved condition and appearance thereof, and to keep the Lot and improvements thereon in good working order and repair. Each Owner shall make diligent efforts to prevent and promptly correct any unclean or unsightly condition on its Lot. Each Owner shall comply with all applicable laws, rules, regulations, ordinances and requirements of all public authorities applicable to its Lot.

9. Taxes. Each Owner shall pay, or cause to be paid, all real and personal property taxes and assessments levied against its Lot, prior to delinquency, directly to the appropriate taxing authority, and (if requested by an Owner) provide evidence of such payment to such requesting Owner promptly after request. If any Owner fails to pay such taxes and assessments in full prior to delinquency, and the taxing authority lists the tax lien against such Owner's Lot for sale, any other Owner may pay such delinquent taxes, including penalties and interest, and the nonpaying Owner shall repay to the paying Owner the total amount so paid upon demand.

10. Restrictions on Use.

- (a) No Lot shall be used for any purpose that might be considered a public or private nuisance, including any use which produces excessive noise, odor, airborne dust or dirt, or unusual fire or explosive hazard.
- (b) No Lot shall be used for any of the following purposes whatsoever:
- i. any business deriving more than 50% of its annual gross revenue from the sale of alcoholic beverages for on-premises consumption;
 - ii. an adult type bookstore or other establishment selling, renting, displaying or exhibiting pornographic or obscene materials (including without limitation: magazines, books, movies, videos, photographs or so called ("sexual toys") or providing adult type entertainment or activities (including, without limitation, any displays or activities of a variety involving, exhibiting or depicting sexual themes, nudity or lewd acts);
 - iii. a massage parlor (except for state-licensed massage therapists);
 - iv. a mortuary, crematorium or funeral home;
 - v. a mobile home or trailer court, labor camp, junkyard or stockyard;

- vi. a land fill, garbage dump or other such facility for the dumping, disposing, incineration or reduction of garbage;
 - vii. a telephone call center;
 - viii. a gambling establishment or betting parlor; or
 - ix. an assembling, manufacturing, industrial, distilling, refining or smelting facility, except that this restriction shall not be applied to culinary, arts or craft studios less than 3,000 square feet in size.
- (c) So long as Lot ___ is used primarily as a retail store specializing in the sale of automotive parts, accessories, supplies and/or maintenance items ("**Auto Parts Exclusive Use**"), no Lot other than Lot ___ shall be used for the Auto Parts Exclusive Use.
- (d) So long as Lot ___ is used primarily for banking purposes, no Lot other than Lot __ shall be used primarily for consumer banking, depository or lending purposes, including without limitation operation of a bank, credit union, savings and loan, savings bank, mortgage company or consumer lending company ("**Banking Exclusive Use**"); provided, however, that the installation and use of ATM machines and the incidental cashing of checks shall not constitute a violation of the Banking Exclusive Use.
- (e) No Lot shall be used in a manner which unreasonably impairs the visibility of the building signage on any other Lot or access to any business located on any other Lot.
- (f) With respect to the exclusives granted in paragraphs (c), (d), and (e) above, such restriction shall not be terminated or expire for failure to use the applicable Lot for the applicable exclusive use (i) if a business operating the applicable exclusive use from the applicable Lot opens for business on or before the second anniversary of the recordation of this Declaration, or (ii) during periods of non-use in connection with the following events, provided such periods do not exceed twelve (12) consecutive months in each instance (except as otherwise provided): (A) remodeling, (B) re-leasing, (C) repair due to casualty or other act of God (not to exceed twenty four (24) consecutive months), (D) normal days for closure (such as holidays), and (E) reconstruction of the improvements for the applicable exclusive use.

11. Environmental Matters.

- (a) Except as provided in subparagraph (b) below, no Owner or other Occupant shall release, generate, use, store, dump, transport, handle or dispose of any Hazardous Material on the Property, or otherwise permit the presence on the Property of any Hazardous Material except in accordance with all Environmental Laws. Each Owner shall immediately notify the other Owners of any release of Hazardous Materials on or about the Property which such Owner knows of or believes to have occurred, including any claims made or threatened by any third party relating to any purported release of Hazardous Materials, and shall promptly provide to all other Owners a copy of (i) any inquiry, notice of investigation or notice of violation or potential or alleged violation of any Environmental Laws, (ii) any enforcement, cleanup or removal order, or (iii) any other governmental or regulatory actions instituted or threatened in regard to any portion of the Property.
- (b) Notwithstanding anything contained in this Paragraph 10 to the contrary, any Occupant may (i) use products containing Hazardous Materials and equipment fueled by or containing Hazardous Materials on or about the Property to the extent that such products and equipment are incidental to the normal operations of vehicles, or (ii) merchandise properly packaged products such as paints, oils, solvents, sealers, adhesives and finishes, camping fuel, fertilizers, insecticides and rodent poisons and the like which may contain Hazardous Materials, provided that such use or merchandizing shall comply with Environmental Laws, or

(iii) use products containing Hazardous Materials that are customarily used by such Occupant in cleaning and maintaining its premises so long as such products shall comply with Environmental Laws.

- (c) An Owner or Occupant may also use particular Hazardous Materials on its Lot with the prior written consent of the other Owners, which consent shall not be unreasonably withheld on the following conditions: (i) the Owner demonstrates to the other Owners' reasonable satisfaction that such Hazardous Materials are necessary or useful to the Owner's or Occupant's business, will be monitored, used, stored, handled and disposed of in compliance with all Environmental Laws, will not endanger any persons or property, and will not invalidate or limit the coverage (or increase the premiums of) any insurance policy affecting or covering any portion of the Property; (ii) the Owner or Occupant provides the other Owners with such security as may be reasonably required by the other Owners to secure such Owner's or Occupant's performance of its obligations under subparagraph (d) below; and (iii) such Owner or Occupant satisfies any other requirements any other Owner may reasonably impose with respect to the proposed use of the Hazardous Materials.
- (d) In the event that Hazardous Materials are released within any Lot in violation of any Environmental Laws and such release occurred as a direct or indirect result of an Owner's or an Occupant's use, handling, storage or transportation of such Hazardous Material, as between the Owners, such Owner or Occupant engaged in such activity shall be solely responsible and shall be liable for the prompt cleanup and remediation of any resulting contamination and all claims, costs, expenses (including reasonable attorney and consultant fees) and damages, including consequential damages, suffered by the other Owners and Occupants.
- (e) The operation of the Auto Parts Exclusive Use on Lot 2 may involve (i) sales of certain petroleum products and other hazardous materials typically found in retail auto parts stores (such as transmission fluid, motor oil, antifreeze, and the like) and (ii) collection and temporary storage of small quantities of used motor oil and batteries for pickup and off-site disposal. In connection therewith, nothing in this Declaration, including, without limitation, this Paragraph 10, shall require the Owner or Occupant of Lot __ to obtain the consent or approval of Declarant or any Owner, Occupant or Authorized Person in connection with such activities or subject the Occupant of Lot __ to any further requirements or conditions on such activities beyond what is required under Environmental Laws.

12. Center Signs.

- (a) The Development Plan allows Declarant to construct one or more monument signs on the Property (the "**Center Signs**"). The signage rights that are allocated to a Lot by this Declaration may be exercised by any Owner, Occupant or Authorized Person of the Lot concerned ("Users"), as they may agree in writing among themselves. However, the obligations arising hereunder from use of such rights shall be the primary obligation of the Owner of each Lot, regardless of any contrary agreement with any Occupant or Authorized Person, and Declarant shall be entitled to enforce such obligations directly against such Owner.
- (b) Declarant hereby allocates the space available for display of signage on the Center Signs as shown on Exhibit B attached hereto. Declarant also reserves the right to adjust the placement of sign panels with the consent of the Users involved from time to time but without the consent of any other Users whose placement is not changed.

13. Damage to Improvements. If any building constructed on any Lot is damaged or destroyed by fire or other casualty, the Owner of such Lot shall, at its election and commencing within a reasonable time after such occurrence, either (i) repair and restore such building, or (ii) raze the remainder of the building, remove the debris, and cover the affected area with landscaping, asphalt or some other dustcap material. If any portion of the Common Areas on any Lot is damaged or destroyed by fire or other casualty, the Owner of such Lot shall promptly repair and restore such damaged or destroyed Common Areas owned

by such Owner as near as practicable to their condition and function immediately prior to such casualty, without contribution from any other Owner;

14. Condemnation. If all or part of the Property is condemned or taken by any duly-constituted authority for a public or quasi-public use, the Owner or Owners of the property concerned shall retain the entire award; provided, **that** the other Owners may receive and retain any amount specifically awarded to them for damages resulting from the severance of Common Areas so condemned or taken. The Owner of Common Areas so condemned or taken shall promptly repair and restore the remaining portion of the Common Areas owned by such Owner as near as practicable to their condition and function immediately prior to such condemnation or taking, without contribution from any other Owner.

15. Enforcement.

- (a) In the event of any violation or threatened violation of any of the provisions of this Declaration, any Owner shall have, in addition to any other right or remedy that may be available at law, in equity or otherwise, the right to enjoin such violation or threatened violation in any court of competent jurisdiction. Any Owner shall have the right to seek a temporary injunction against an alleged violation at any time that circumstances justify such a request.
- (b) Any Owner contemplating any other enforcement action hereunder shall, at least 30 days prior to commencement of the action, notify the offending Owner or Owners, and all other Owners, of the violation and the Owner's contemplated action. The contemplated action shall only be commenced if action to cure the alleged default is not commenced within 30 days after the giving of such notice and diligently pursued thereafter to completion.
- (c) In no event shall any violation of this Declaration entitle any Owner or other party to cancel, rescind or otherwise terminate any party's rights under this Declaration. In the event any action or proceeding is brought by any party under this Declaration, the prevailing party shall be entitled to recover any and all costs and expenses incurred to enforce or establish its rights hereunder, including reasonable attorney fees and all other trial court and appellate costs.
- (d) An Occupant of a Lot pursuant to a long-term (20 years or longer total term, including extension options) lease shall be entitled to enforce the provisions of this Declaration as if such Occupant were the Owner of such Lot.

16. Miscellaneous Provisions.

- (a) **No Public Dedication.** Nothing contained herein is intended as a gift or dedication of any portion of the Property to the general public or for the use of the general public for any purpose whatsoever.
- (b) **Nature of Declaration.** This Declaration, and all easements, restrictions and conditions contained herein (whether affirmative or negative in nature) are made for the direct, mutual and reciprocal benefit of the Lots, shall constitute covenants running with the land, and shall inure to the benefit of, and be binding upon, every person hereafter having any fee, leasehold, mortgage or other interest in a Lot or any portion thereof; PROVIDED, HOWEVER, that Declarant and each other Owner of a Lot shall be obligated only for such obligations under this Declaration as may arise or continue during the period of such Owner's ownership of a Lot. In the event of any transfer of a Lot by an Owner, that Owner shall be entirely relieved of all liability as to that Lot under any and all of the covenants and obligations contained in or derived from this Declaration arising out of any act, occurrence or omission occurring after the consummation of such transfer.
- (c) **Amendment.** This Declaration may only be amended by a writing executed by or on behalf of Declarant (so long as it owns any portion of the Property) and by then-Owners with an aggregate Owner's Proportionate Share greater than 50%. Notwithstanding the foregoing, the following provisions may only be amended by consent of every party negatively affected by an

amendment to such provisions: (i) the easements granted in Paragraphs 3 and 4, (ii) the restrictions on use and related provisions contained in Paragraph 10(a), (b), (c), (d), (e), (f), (g) and (h), (iii) Paragraphs 13 and 14, (iv) this subparagraph 15(c), and(v) subparagraph 15(d).

- (d) **Duration of Declaration.** This Declaration shall continue in full force and effect until the 50th anniversary of the recording of this Declaration (the "Renewal Date"), and shall automatically be extended for an indefinite number of consecutive 10-year periods unless and until it is terminated by agreement of the unanimous agreement of all Owners, duly confirmed by an instrument in writing recorded in the real property records of Arapahoe County, Colorado.
- (e) **No Waiver.** No waiver of any violation of this Declaration shall be construed as, or constitute, a waiver of any other breach or a waiver, acquiescence in or consent to any further or succeeding violation of the same or any other provision of this Declaration.
- (f) **Severability.** If any term or provision of this Declaration shall, to any extent, be held invalid or unenforceable, the remaining terms and provisions of this Declaration shall not be affected thereby, but each remaining term and provision shall be valid and enforced to the fullest extent permitted by law.
- (g) **Governing Law.** This Declaration shall be governed by, and construed in accordance with, the laws of the State of Colorado.
- (h) **Headings; Number; Gender.** The headings herein are inserted only for convenient reference, and in no way define, limit or describe the scope or intent of **this** Declaration or in any way affect the terms or provisions hereof. The singular number includes the plural and the masculine gender includes all genders.
- (i) **Notices.** All notices under **this** Declaration shall be given in writing and shall be effective for all purposes if hand delivered or sent by certified United States Mail, postage prepaid, or by prepaid expedited courier service, with proof of delivery or attempted delivery, to the most current address(es) of the intended recipient as known to the party giving such notice.



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 9, 2006



SUBJECT: West 80th Avenue/Federal Boulevard Project – Authorization of Expenditures

Prepared By: Stephen C. Baumann, Assistant City Engineer

Recommended City Council Action

Authorize the expenditure of up to \$151,600 for contracts with Qwest and Excel Energy needed to relocate existing utilities that will be in conflict with the planned improvements to 80th Avenue and Federal Boulevard.

Summary Statement

- Previously, City Council authorized Intergovernmental Agreements with the Colorado Department of Transportation (CDOT) and Adams County for joint sponsorship of intersection improvements at 80th Avenue and Federal Boulevard (see attached Vicinity Map). Under those agreements, CDOT administers the project and manages most contracts using federal funds along with participation of all three entities. Adams County's share of the project is being paid to Westminster and the City then makes payment of the local agency's matching share to CDOT as expenses are incurred.
- One of the component costs of the project is the relocation of utilities that interfere with the improvements themselves. Since the project is adding turn lanes at the intersection, the wider street cross-section necessitates the relocation of electric and communication facilities that are now overhead. The City's policy is that these facilities be placed underground, which is an upgrade for which federal funds cannot be used. The City is expected to pay for this upgrade entirely and directly.
- The undergrounding of Xcel's facilities at various locations in the project is estimated to cost \$128,992 and Qwest has estimated their costs to place facilities underground at \$8,830. With a contingency of approximately 10%, the total requested authorization is \$151,600.

Expenditure Required: \$151,600

Source of Funds: General Capital Improvement Fund – 80th Avenue and Federal Boulevard Intersection Project

Policy Issue

Should the City expend funds to underground overhead electric and communication facilities attendant to the 80th Avenue and Federal Boulevard Project?

Alternative

Utility facilities in conflict with the proposed widening of Federal Boulevard and 80th Avenue will have to be relocated to do the project. For the most part, these are facilities that are on poles along the two sides of the streets. As an alternative, they could be moved to new poles out of conflict at little or no cost under the City's franchise agreement. This alternative is not recommended. Typically, and as a matter of policy, utilities like these are placed underground so that the street improvement project results in an overall improved appearance, reducing the clutter, interference and distraction associated with pole-mounted transformers and wiring. Funds were included in the budget for placing these facilities underground.

Background Information

In November 2004, City Council authorized an intergovernmental agreement with the Colorado Department of Transportation (CDOT) to have CDOT administer the design and construction of traffic improvements at the intersection of 80th Avenue and Federal Boulevard (see attached Vicinity Map). The project received \$2,497,000 in federal funding, with initial local agency funding totaling \$1,132,000 from CDOT, Adams County and the City.

In summary, the project will widen Federal Boulevard between Cottonwood Drive (78th Avenue) and 81st Avenue to create an additional northbound left-turn and a southbound right-turn to 80th Avenue. The intersection operates at a very poor level of service due to backups in the former and poor operational characteristics of the latter. In addition to the operational improvements, the project will add continuous sidewalks and street lighting and replace inadequate storm drainage facilities. Right-of-way will need to be secured from over 20 ownerships on the two sides of Federal Boulevard including six residential properties in the Apple Blossom Subdivision, where a small strip of right-of-way will be needed to install a masonry wall similar to the one installed along the US-36 corridor with the reconstruction of the Federal Boulevard interchange in 2002.

The design effort by CDOT is proceeding with a goal to complete engineering plans for bid in early 2007 and start reconstruction of the intersection in May of 2007.

Overhead utilities in the form of electric distribution and communication lines exist at all four legs of the intersection and will be in conflict with curb/sidewalk under the proposed layout. In planning street improvement projects, the City has a policy to consider the cost of relocating overhead facilities underground and compare it to relocation to another overhead location, which is typically a no-cost option under the City's franchise agreement with Xcel Energy. Xcel has estimated the cost of undergrounding their facilities to be \$128,992. Qwest Communication Corporation will place their relatively minor facilities underground for \$8,827. Under the present schedule, most of the relocation work would start in early 2007, preceding the street construction where possible.

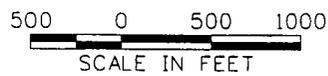
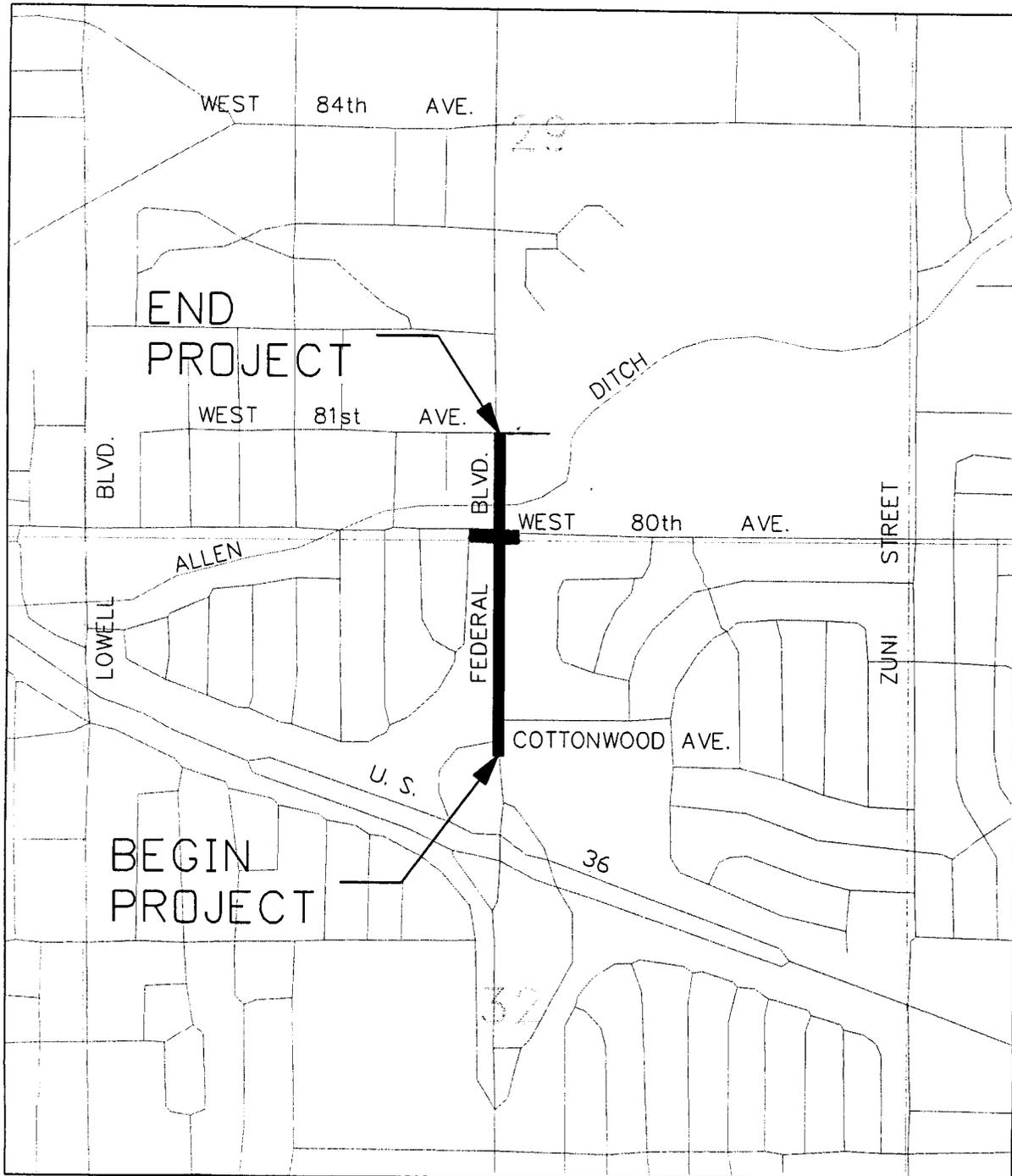
The upgrade of the utilities relocation to include undergrounding is not eligible for federal cost participation. This cost must be paid for entirely by the local agency sponsors directly to the utility companies. Authorization is being sought for a total of \$151,600 for Xcel's and Qwest's work including a 10% contingency. Funds are available in the Federal Boulevard and 80th Avenue Intersection project account of the General Capital Improvement Fund.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

VICINITY MAP
Federal Blvd. & 80th Ave.
Intersection Operation Improvements
City of Westminster, Adams County, CO
Project No.: STU M356-019
CDOT Sub-account #: 14417





WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 9, 2006



SUBJECT: Second Reading of Councillors' Bills No. 50, 51, and 52 re the Annexation, Comprehensive Land Use Plan Amendment, and Zoning for the MY Business Park Development

Prepared By: David Falconieri, Planner III

Recommended City Council Action

1. Pass Councillor's Bill No. 50 on second reading approving the annexation of the MY Business Park property.
2. Pass Councillor's Bill No. 51 on second reading approving the Comprehensive Land Use Plan amendment for the MY Business Park property changing the designation from Northeast Comprehensive Development Plan to Business Park. This recommendation is based on a finding that the proposed amendment will be in the public good and that:
 - a) There is justification for the proposed change and the Plan is in need of revision as proposed; and
 - b) The amendment is in conformance with the overall purpose and intent and the goals and policies of the Plan; and
 - c) The proposed amendment is compatible with existing and planned surrounding land uses; and
 - d) The proposed amendment would not result in excessive detrimental impacts to the City's existing or planned infrastructure systems.
3. Pass Councillor's Bill No. 52 on second reading rezoning the MY Business Park property from Jefferson County P-D to Planned Unit Development (PUD). This recommendation is based on a finding that the criteria set forth in Section 11-5-3 of the Westminster Municipal Code have been met.

Summary Statement

- These Councillors' Bills were approved on first reading by City Council on September 25, 2006.
- The MY Business Park property is a 5-acre parcel located at the northeast corner of 108th Avenue and Zephyr Street. A Planned Development was approved for the site by Jefferson County in 1987.
- The applicants are proposing a total of 62,988 square feet of office/warehouse flex space.
- The property is subject to the provisions of the Northeast Comprehensive Development Plan that permits this type of use.

Expenditure Required: \$ 0
Source of Funds: N/A

Respectfully submitted,

J. Brent McFall
City Manager
Attachments

BY AUTHORITY

ORDINANCE NO. **3307**

COUNCILLOR'S BILL NO. **50**

SERIES OF 2006

INTRODUCED BY COUNCILLORS
Major - Dittman

A BILL

**FOR AN ORDINANCE ANNEXING A PARCEL OF LAND LOCATED IN SECTION 11,
TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., JEFFERSON COUNTY, COLORADO.**

WHEREAS, pursuant to the laws of the State of Colorado, there was presented to the Council of the City of Westminster a petition for annexation to the City of Westminster by the owners of one hundred percent of the hereinafter-described contiguous, unincorporated area, exclusive of public streets and alleys, being in the County of Jefferson, State of Colorado; and

WHEREAS, City Council has held the required annexation hearing in conformance with all statutory requirements; and

WHEREAS, City Council has heretofore adopted Resolution No.39, Series of 2006, making certain findings of fact and conclusions regarding the proposed annexation, as required by Section 31-12-110, C.R.S., and now finds that the property proposed for annexation under the Annexation Petition may be annexed by ordinance at this time; and

WHEREAS, the City Council has satisfied itself concerning the conformance of the proposed annexation to the Comprehensive Land Use Plan of the City of Westminster.

NOW, THEREFORE, the City of Westminster ordains:

Section 1. That the annexation is hereby accomplished by and to the City of Westminster, State of Colorado, of the following described contiguous unincorporated territory situated, lying and being in the County of Jefferson, State of Colorado, to wit:

MY Business Park Annexation

A parcel of land situated in the west half of Section 11, Township 2 South, Range 69 West of the Sixth Principal Meridian, Jefferson County, State of Colorado, being more particularly described as follows:

Beginning at the center of said Section 11;

Thence along the east-west center line of said Section 11, south 88 degrees 56 minutes 07 seconds west 342.63 feet to a point on the southerly extension of the east line of the SW $\frac{1}{4}$, SE $\frac{1}{4}$, SE $\frac{1}{4}$, NW $\frac{1}{4}$ of said Section 11;

Thence north 0 degrees 31 minutes 52 seconds west 339.12 feet to a point on the boundary lines of Green Knolls Subdivision, Filing 2, as shown on the plat recorded at Book 74, P. 2, Reception No. 83070863, Jefferson County Records, thence along said boundary line south 88 degrees 53 minutes 24 seconds west 684.20 feet;

Thence continuing along said boundary line and its prolongation thereof south 0 degrees 20 minutes 59 seconds east 368.59 feet to a point on southerly ROW of 108th Avenue as shown on the plat of Mandalay Gardens Amended No. 1, said line also being 30' south of and parallel with the said east-west centerline;

Thence along said southerly ROW north 88 degrees 56 minutes 07 seconds east 197.61 feet to a point on the westerly line of said Mandalay Gardens amended No. 1;

Thence along said line south 0 degrees 08 minutes 07 seconds east 20.00 feet;

Thence N 88 degrees 56 minutes 07 seconds east 519.97 feet to the easterly line of said subdivision;

Thence north 1 degree 02 minutes 53 seconds west 20.00 feet to a point on a line that is 30 south of and parallel with the east-west centerline of said section;

Thence north 88 degrees 56 minutes 07 seconds east 310.34 feet to the east line of the SW ¼ of said section;

Thence along said east line of said SW ¼, north 0 degrees 12 minutes 24 seconds east 30.00 feet to the point of beginning.

Section 2. That the City Council finds that the owners of one hundred percent of the above-described area, exclusive of streets and alleys, have petitioned for annexation.

Section 3. This ordinance shall take effect upon its passage after second reading.

Section 4. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 25th day of September, 2006.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 9th day of October, 2006.

ATTEST:

Mayor

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney's Office

BY AUTHORITY

ORDINANCE NO. **3308**

COUNCILLOR'S BILL NO. **51**

SERIES OF 2006

INTRODUCED BY COUNCILLORS
Major - Dittman

**A BILL
FOR AN ORDINANCE AMENDING THE WESTMINSTER
COMPREHENSIVE LAND USE PLAN**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for an amendment to the Westminster Comprehensive Land Use Plan has been submitted to the City for its approval pursuant to W.M.C. §11-4-16(D), by the owner(s) of the properties described below requesting a change in the land use designations from "Northeast Comprehensive Development Plan" to "Business Park" for the My Business Park property located at the northeast corner of 108th Avenue and Zephyr Street, and consisting of 5 acres.

b. That such application has been referred to the Planning Commission, which body held a public hearing thereon on September 13, 2006, after notice complying with W.M.C. §11-4-16(B) and has recommended approval of the requested amendments.

c. That notice of the public hearing before Council has been provided in compliance with W.M.C. § 11-4-16(B) and the City Clerk has certified that the required notices to property owners were sent pursuant to W.M.C. §11-4-16(D).

d. That Council, having considered the recommendations of the Planning Commission, has completed a public hearing and has accepted and considered oral and written testimony on the requested amendments.

e. That the owners have met their burden of proving that the requested amendment will further the public good and will be in compliance with the overall purpose and intent of the Comprehensive Land Use Plan, particularly Goal A1, "Growth will occur in a manner that balances the pace of development with the City's ability to provide Quality services" and Policy A1a, "Annexation of County enclaves will be considered on a case by case basis taking into consideration social, fiscal and land use factors."

Section 2. The City Council approves the requested amendments and authorizes City Staff to make the necessary changes to the map and text of the Westminster Comprehensive Land Use Plan to change the designations of the properties more particularly described as follows:

A parcel of land located in the SE ¼ of the NW ¼ of Section 11, Township 2 South, Range 69 West of the 6th Principal Meridian, Jefferson County, State of Colorado, being more particularly described as follows:

Commencing at the center of said Section 11;

Thence along the east-west centerline of said Section 11, S88°56'07" W, 1027.90 feet to a point on the southerly boundary line of Green Knolls Subdivision, Filing No. 2, as shown on the plat recorded at Book 74, Page 2, Reception No. 83070863, Jefferson County Records;

Thence along said boundary line N00°23'19"W, 10.00 feet to the point of beginning;

Thence continuing along said boundary line, N00°23'19"W, 318.52 feet to the northwest corner of the SE ¼, SW ¼, SE ¼, NW ¼ of said Section 11;

Thence N88°53'07" E, along the north line of said SE ¼, SW ¼, SE ¼, NW ¼ of said Section 11, 684.38 feet to the northeast corner of the SW ¼, SE ¼, SE ¼, NW ¼ of said Section 11;

Thence S00°32'40" E along the east line of said SW ¼, SE ¼, SE ¼, NW ¼ of Section 11, 319.10 feet to a point on the northerly right-of-way line of West 108th Avenue said point being 10.00 feet north of the East-West centerline of said Section 11;

Thence along said right-of-way line and parallel to the east-west centerline of said Section 11, S88°56'07" W, 685.24 feet to the point of beginning, said parcel containing 5.01 acres, more or less.

Basis of bearing is the east-west centerline of Said Section 11, between monuments found at the center of section and the West ¼ corner which bears S88°56'07" W to "Business Park," as depicted on the map attached as Exhibit A hereto.

Section 3. Severability: If any section, paragraph, clause, word or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part deemed unenforceable shall not affect any of the remaining provisions.

Section 4. This ordinance shall take effect upon its passage after second reading.

Section 5. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 25th day of September, 2006.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 9th day of October, 2006.

ATTEST:

Mayor

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney's Office

BY AUTHORITY

ORDINANCE NO. **3309**

COUNCILLOR'S BILL NO. **52**

SERIES OF 2006

INTRODUCED BY COUNCILLORS
Major - Dittman

A BILL

**FOR AN ORDINANCE AMENDING THE ZONING OF A PARCEL OF LAND,
APPROXIMATELY 5 ACRES IN SIZE, LOCATED IN SEC.11, T 2 S, R 69 W, 6TH P.M.,
JEFFERSON COUNTY, COLORADO FROM JEFFERSON COUNTY A-2 TO CITY OF
WESTMINSTER PUD.**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for the rezoning of the property generally located at the northeast corner of 108th Avenue and Zephyr Street, as described below, from the Jefferson County A-2 zone to a City of Westminster PUD zone has been submitted to the City for its approval pursuant to W.M.C. §11-5-2.

b. That the notice requirements of W.M.C. §11-5-13 have been met.

c. That such application has been referred to the Planning Commission, which body held a public hearing thereon on September 13, 2006, and has recommended approval of the requested amendments.

d. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminster Municipal Code and has considered the criteria in W.M.C. § 11-5-14.

e. That based on the evidence produced at the public hearing, the proposed PUD zoning complies with all requirements of City Code, including, but not limited to, the provisions of W.M.C §11-5-14, regarding standards for approval of planned unit developments and §11-4-3, requiring compliance with the Comprehensive Land Use Plan.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property, described as:

A parcel of land located in the SE ¼ of the NW ¼ of Section 11, Township 2 South, Range 69 West of the 6th Principal Meridian, Jefferson County, State of Colorado, being more particularly described as follows:

Commencing at the center of said Section 11;

Thence along the east-west centerline of said Section 11, S88°56'07" W, 1027.90 feet to a point on the southerly boundary line of Green Knolls Subdivision, Filing No. 2, as shown on the plat recorded at Book 74, Page 2, Reception No. 83070863, Jefferson County Records;

Thence along said boundary line N00°23'19"W, 10.00 feet to the point of beginning;

Thence continuing along said boundary line, N00°23'19"W, 318.52 feet to the northwest corner of the SE ¼, SW ¼, SE ¼, NW ¼ of said Section 11;

Thence N88°53'07" E, along the north line of said SE ¼, SW ¼, SE ¼, NW ¼ of said Section 11, 684.38 feet to the northeast corner of the SW ¼, SE ¼, SE ¼, NW ¼ of said Section 11;

Thence S00°32'40" E along the east line of said SW ¼, SE ¼, SE ¼, NW ¼ of Section 11, 319.10 feet to a point on the northerly right-of-way line of West 108th Avenue said point being 10.00 feet north of the East-West centerline of said Section 11;

Thence along said right-of-way line and parallel to the east-west centerline of said Section 11, S88°56'07" W, 685.24 feet to the point of beginning, said parcel containing 5.01 acres, more or less.

Basis of bearing is the east-west centerline of Said Section 11, between monuments found at the center of section and the West ¼ corner which bears S88°56'07" W to "Business Park," as depicted on the map attached as Exhibit A hereto.

Section 3. This ordinance shall take effect upon its passage after second reading.

Section 4. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 25th day of September, 2006.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 9th day of October, 2006.

Mayor

ATTEST:

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney's Office



WESTMINSTER
COLORADO

Agenda Item 8 G-J

Agenda Memorandum

City Council Meeting
October 9, 2006



SUBJECT: Second Reading of Councillors' Bills No. 53, 54, 55, and 56 re the Kerr Property Annexation, Comprehensive Land Use Plan Amendment, and Rezoning

Prepared By: David Falconieri, Planner III

Recommended City Council Action

1. Pass Councillor's Bill No. 53 on second reading annexing the Kerr #1 property to the City of Westminster.
2. Pass Councillor's Bill No. 54 on second reading annexing the Kerr #2 property to the City of Westminster.
3. Pass Councillor's Bill No. 55 on second reading amending the Comprehensive Land Use Plan for the Kerr property changing the designation from Northeast Comprehensive Development Plan to R-1 Residential. This recommendation is based on a finding that the proposed amendment will be in the public good and that:
 - a. There is justification for the proposed change and the Plan is in need of revision as proposed; and
 - b. The amendment is in conformance with the overall purpose and intent and the goals and policies of the Plan; and
 - c. The proposed amendment is compatible with existing and planned surrounding land uses; and
 - d. The proposed amendment would not result in excessive detrimental impacts to the City's existing or planned infrastructure systems.
4. Pass Councillor's Bill No. 56 on second reading approving the rezoning of the Kerr property from Jefferson County A-2 to City of Westminster R-E. This recommendation is based on a finding that the criteria set forth in Section 11-5-3 Westminster Municipal Code have been met.

Summary Statement

- These Councillors' Bills were approved on first reading by City Council on September 25, 2006.
- Mr. Kerr owns two lots located on Ammons Circle, one fronting the street and the other in the rear with no current access to the street. The lot fronting the street is improved with a single family residence.
- In order to use the rear lot as a legal building site for an additional residence, the lots must be replatted so that the rear lot has access to the street. Both lots are over 1 acre in size and will remain so after the replatting. This will meet the minimum lot size requirements specified within the Northeast Comprehensive Development plan that governs the use of this property.
- The applicant is requesting approval of an annexation agreement that will permit the continued use of the property for a maximum of 2 horses per acre that is permitted under current Jefferson County zoning.
- In order to meet minimum contiguity requirements the annexation must be accomplished in two parts.

Expenditure Required: \$ 0
Source of Funds: N/A

Respectfully submitted,

J. Brent McFall
City Manager
Attachments

BY AUTHORITY

ORDINANCE NO. **3310**

COUNCILLOR'S BILL NO. **53**

SERIES OF 2006

INTRODUCED BY COUNCILLORS
Kauffman - Major

A BILL

**FOR AN ORDINANCE ANNEXING A PARCEL OF LAND LOCATED IN SECTION 14,
TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., JEFFERSON COUNTY, COLORADO.**

WHEREAS, pursuant to the laws of the State of Colorado, there was presented to the Council of the City of Westminster a petition for annexation to the City of Westminster by the owner of more than fifty percent of the hereinafter-described contiguous, unincorporated area, exclusive of public streets and alleys, being in the County of Jefferson, State of Colorado; and

WHEREAS, City Council has held the required annexation hearing in conformance with all statutory requirements; and

WHEREAS, City Council has heretofore adopted Resolution No.44, Series of 2006 making certain findings of fact and conclusions regarding the proposed annexation, as required by Section 31-12-110, C.R.S., and now finds that the property proposed for annexation under the Annexation Petition may be annexed by ordinance at this time; and

WHEREAS, the City Council has satisfied itself concerning the conformance of the proposed annexation to the Comprehensive Land Use Plan of the City of Westminster.

NOW, THEREFORE, the City of Westminster ordains:

Section 1. That the annexation is hereby accomplished by and to the City of Westminster, State of Colorado, of the following described contiguous unincorporated territory situated, lying and being in the County of Jefferson, State of Colorado, to wit:

Kerr 1 Annexation

A parcel of land being a portion of Tract 65 B, Mandalay Gardens, a subdivision recorded at Reception No. 194693, Jefferson County Public Records and all of Lot 20, Wadsworth Acres, a subdivision recorded at Reception No. 62919166 and in Book 23, Page 22 said Jefferson County Public Records located in the west one-half of Section 14, Township 2 South, Range 69 West of the 6th Principal Meridian, more particularly described as follows:

Commencing at the west one-quarter of said Section 14;

Thence N89°52'19" E along the southerly line of the northwest one-quarter of said Section 14 a distance of 95.92 feet to the point of beginning;

Thence N 40°08'18" E along the westerly line of the Colorado & Southern Railroad, a distance of 26.21 feet;

Thence N 89°52'19" E, a distance of 196.52 feet to a point on the easterly line of said Colorado & Southern Railroad;

Thence N 40°02'12" E along said easterly line a distance of 351.75 feet;

Thence S 49°57'48" E, a distance of 20.00 feet;

Thence S 40°02'12" W, a distance of 361.04 feet to a point on said southerly line of the northwest one-quarter of Section 14;

Thence S 89°52'19" W along said southerly line a distance of 222.79 feet to the point of beginning

Section 2. This ordinance shall take effect upon its passage after second reading.

Section 3. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 25th day of September, 2006.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 9th day of October, 2006.

ATTEST:

Mayor

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney's Office

BY AUTHORITY

ORDINANCE NO. **3311**

COUNCILLOR'S BILL NO. **54**

SERIES OF 2006

INTRODUCED BY COUNCILLORS
Kauffman - Major

A BILL

**FOR AN ORDINANCE ANNEXING A PARCEL OF LAND LOCATED IN SECTION 14,
TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., JEFFERSON COUNTY, COLORADO.**

WHEREAS, pursuant to the laws of the State of Colorado, there was presented to the Council of the City of Westminster a petition for annexation to the City of Westminster by the owner of more than fifty percent of the hereinafter-described contiguous, unincorporated area, exclusive of public streets and alleys, being in the County of Jefferson, State of Colorado; and

WHEREAS, City Council has held the required annexation hearing in conformance with all statutory requirements; and

WHEREAS, City Council has heretofore adopted Resolution No.44, Series of 2006 making certain findings of fact and conclusions regarding the proposed annexation, as required by Section 31-12-110, C.R.S., and now finds that the property proposed for annexation under the Annexation Petition may be annexed by ordinance at this time; and

WHEREAS, the City Council has satisfied itself concerning the conformance of the proposed annexation to the Comprehensive Land Use Plan of the City of Westminster.

NOW, THEREFORE, the City of Westminster ordains:

Section 1. That the annexation is hereby accomplished by and to the City of Westminster, State of Colorado, of the following described contiguous unincorporated territory situated, lying and being in the County of Jefferson, State of Colorado, to wit:

Kerr 2 Annexation

A parcel of land being a portion of Tract 65 B, Mandalay Gardens, a subdivision recorded at Reception No. 194693, Jefferson county Public Records and all of Lot 20, Wadsworth Acres, a subdivision recorded at Reception No. 62919166 and in Book 23, Page 22 said Jefferson County Public Records located in the west one-half of Section 14, Township 2 South, Range 69 West of the 6th Principal Meridian, more particularly described as follows;

Commencing at the west one-quarter of said Section 14;

Thence N 89°52'19" E, along the south line of the northwest one-quarter a distance of 318.67 feet to the point of beginning;

Thence along the westerly line of a parcel of land annexed to the City of Westminster as Kerr Annexation #1 the following two (2) courses;

1. N 40°02'12" E, a distance 361.04 feet;
2. N 49°57'48" W, a distance of 20.00 feet to a point on the easterly line of the Colorado & Southern Railroad;

Thence N 40°02'12" E along said southerly line a distance of 50.50 feet to the southwesterly corner of a parcel of land being a portion of said Tract 65B, Mandalay Gardens, described by deed at Reception No. F0933466 said Jefferson County Public Records;

Thence N 89°52'19" E along the southerly of said Parcel A distance of 122.47 feet to the northwesterly corner of a parcel of land being said portion of Tract 65B, Mandalay Gardens, described by deed at Reception No. F1073651 Jefferson County Public Records;

Thence S 00°07'41" E along the westerly line of said parcel of land a distance of 327.40 feet to a point on said southerly line of the northwest one-quarter of Section 14;

Thence N 89°52'19" E along said southerly line a distance of 63.70 feet to the northwesterly corner of Lot 19, said Wadsworth Acres;

Thence S 00°01'20" W along the westerly line of said Lot 19 a distance of 149.31 feet to the northerly right-of-way line of West Ammons Circle;

Thence along said northerly right-of-way line the following two (2) courses;

1. N 89°58'41" W, a distance of 232.00 feet;
2. Along the arc of a curve to the left whose chord bears S 83°10'04" W, a distance of 44.92 feet, having a radius of 188.20 feet, a delta angle of 13°42'30", and an arc length of 45.03 feet to the southeasterly corner of Lot 21; said Wadsworth Acres;

Thence N 12°13'34" W along the easterly line of said Lot 21 a distance of 157.44 feet to point on said southerly line of the northwest one-quarter of Section 14;

Thence S 89°52'19" W along said southerly line a distance of 129.33 feet to the point of beginning

Section 2. This ordinance shall take effect upon its passage after second reading.

Section 3. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 25th day of September, 2006.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 9th day of October, 2006.

ATTEST:

Mayor

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney's Office

BY AUTHORITY

ORDINANCE NO. **3312**

COUNCILLOR'S BILL NO. **55**

SERIES OF 2006

INTRODUCED BY COUNCILLORS
Kauffman - Major

**A BILL
FOR AN ORDINANCE AMENDING THE WESTMINSTER
COMPREHENSIVE LAND USE PLAN**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for an amendment to the Westminster Comprehensive Land Use Plan has been submitted to the City for its approval pursuant to W.M.C. §11-4-16(D), by the owner(s) of the properties described below, requesting a change in the land use designations from "Northeast Comprehensive Development Plan" to "R-1, Residential" for the Kerr property located at 9931 Ammons Circle, consisting of approximately 3 acres.

b. That such application has been referred to the Planning Commission, which body held a public hearing thereon on September 13, 2006, after notice complying with W.M.C. §11-4-16(B) and has recommended approval of the requested amendments.

c. That notice of the public hearing before Council has been provided in compliance with W.M.C. § 11-4-16(B) and the City Clerk has certified that the required notices to property owners were sent pursuant to W.M.C. §11-4-16(D).

d. That Council, having considered the recommendations of the Planning Commission, has completed a public hearing and has accepted and considered oral and written testimony on the requested amendments.

e. That the owners have met their burden of proving that the requested amendment will further the public good and will be in compliance with the overall purpose and intent of the Comprehensive Land Use Plan, particularly Goal A1, "Growth will occur in a manner that balances the pace of development with the City's ability to provide Quality services" and Policy A1a, "Annexation of County enclaves will be considered on a case by case basis taking into consideration social, fiscal and land use factors."

Section 2. The City Council approves the requested amendments and authorizes City Staff to make the necessary changes to the map and text of the Westminster Comprehensive Land Use Plan to change the designations of the properties more particularly described as follows:

A parcel of land being a portion of Tract 65 B, Mandalay Gardens, a subdivision recorded at Reception No. 194693, Jefferson County Public Records and all of Lot 20, Wadsworth Acres, a subdivision recorded at Reception No. 62919166 and in Book 23, Page 22 said Jefferson County Public Records located in the west one-half of Section 14, Township 2 South, Range 69 West of the 6th Principal Meridian, more particularly described as follows;

Commencing at the west one-quarter of said Section 14;

Thence N89°52'19" E, along the south line of the northwest one-quarter a distance of 292.50 feet to a point on the easterly line of the Colorado and Southern Railroad said point also being the Point of Beginning;

Thence N40°02'12" E along said easterly line a distance of 428.43 feet to the southwesterly corner of a parcel of land being a portion of said Tract 65B, Mandalay Gardens, described by deed at Reception No. F0933466 Jefferson County Public Records;

Thence N89°52'19" E along the southerly of said parcel a distance of 122.47 feet to the northwesterly corner of a parcel of land being a portion of said Tract 65B, Mandalay Gardens, described by deed at Reception No. F1073651 Jefferson County Public Records;

Thence S00°07'41" E along the westerly line of said parcel of land a distance of 327.40 feet to a point on said southerly line of the northwest one-quarter of Section 14;

Thence N89°52'19" E along said southerly line a distance of 63.70 feet to the northwesterly corner of Lot 19, said Wadsworth Acres;

Thence S009°01'20" W along the westerly line of said Lot 19 a distance of 149.31 feet to the northerly right-of-way line of West Ammons Circle;

Thence along said northerly right-of-way line the following two (2) courses;

1. N89°58'41" W, a distance of 232.00 feet;
2. Along the arc of a curve to the left whose chord bears S83°10'04" W, a distance of 44.92 feet, having a radius of 188.20 feet, a delta angle of 13°42'30", and an arc length of 45.03 feet to the southeasterly corner of Lot 21, said Wadsworth Acres;

Thence N12°13'34" W along the easterly line of said Lot 21 a distance of 157.44 feet to a point on said southerly line of the northwest one-quarter of Section 14;

Thence S89°52'19" W along said southerly line a distance of 152.50 feet to the point of beginning, containing 129.181 sq. ft. or 2.97 acres more or less;

Having laid out, subdivided and platted the same into lots under the name and style of Kerr Subdivision to "R-1, Residential," as depicted on the map attached as Exhibit A hereto.

Section 3. Severability: If any section, paragraph, clause, word or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part deemed unenforceable shall not affect any of the remaining provisions.

Section 4. This ordinance shall take effect upon its passage after second reading.

Section 5. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 25th day of September, 2005.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 9th day of October, 2006.

ATTEST:

City Clerk

Mayor

APPROVED AS TO LEGAL FORM:

City Attorney's Office

BY AUTHORITY

ORDINANCE NO. **3313**

COUNCILLOR'S BILL NO. **56**

SERIES OF 2006

INTRODUCED BY COUNCILLORS
Kauffman - Major

A BILL

FOR AN ORDINANCE AMENDING THE ZONING OF A PARCEL OF LAND AT 9931 AMMONS CIRCLE, APPROXIMATELY 3 ACRES IN SIZE, LOCATED IN SEC. 14, T2S, R69W, 6TH P.M., JEFFERSON COUNTY, COLORADO FROM JEFFERSON COUNTY A-2 TO CITY OF WESTMINSTER R-E.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for the rezoning of the property generally located at 9931 Ammons Circle, Jefferson County, as described below, from the Jefferson County A-2 zone to a City of Westminster R-E zone has been submitted to the City for its approval pursuant to W.M.C. §11-5-2.

b. That the notice requirements of W.M.C. §11-5-13 have been met.

c. That such application has been referred to the Planning Commission, which body held a public hearing thereon on September 13, 2006, and has recommended approval of the requested amendments.

d. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminster Municipal Code and has considered the criteria in W.M.C. § 11-5-14.

e. That based on the evidence produced at the public hearing, the proposed R-E zoning complies with all requirements of City Code, including, but not limited to, the provisions of W.M.C §11-5-14, regarding standards for approval of planned unit developments and §11-4-3, requiring compliance with the Comprehensive Land Use Plan.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property, described as:

A parcel of land being a portion of Tract 65 B, Mandalay Gardens, a subdivision recorded at Reception No. 194693, Jefferson County Public Records and all of Lot 20, Wadsworth Acres, a subdivision recorded at Reception No. 62919166 and in Book 23, Page 22 said Jefferson County Public Records located in the west one-half of Section 14, Township 2 South, Range 69 West of the 6th Principal Meridian, more particularly described as follows;

Commencing at the west one-quarter of said Section 14;

Thence N89°52'19" E, along the south line of the northwest one-quarter a distance of 292.50 feet to a point on the easterly line of the Colorado and Southern Railroad said point also being the Point of Beginning;

Thence N40°02'12" E along said easterly line a distance of 428.43 feet to the southwesterly corner of a parcel of land being a portion of said Tract 65B, Mandalay Gardens, described by deed at Reception No. F0933466 Jefferson County Public Records;

Thence N89°52'19" E along the southerly of said parcel a distance of 122.47 feet to the northwesterly corner of a parcel of land being a portion of said Tract 65B, Mandalay Gardens, described by deed at Reception No. F1073651 Jefferson County Public Records;

Thence S00°07'41" E along the westerly line of said parcel of land a distance of 327.40 feet to a point on said southerly line of the northwest one-quarter of Section 14;

Thence N89°52'19" E along said southerly line a distance of 63.70 feet to the northwesterly corner of Lot 19, said Wadsworth Acres;

Thence S009°01'20" W along the westerly line of said Lot 19 a distance of 149.31 feet to the northerly right-of-way line of West Ammons Circle;

Thence along said northerly right-of-way line the following two (2) courses;

1. N89°58'41" W, a distance of 232.00 feet;
2. Along the arc of a curve to the left whose chord bears S83°10'04" W, a distance of 44.92 feet, having a radius of 188.20 feet, a delta angle of 13°42'30", and an arc length of 45.03 feet to the southeasterly corner of Lot 21, said Wadsworth Acres;

Thence N12°13'34" W along the easterly line of said Lot 21 a distance of 157.44 feet to a point on said southerly line of the northwest one-quarter of Section 14;

Thence S89°52'19" W along said southerly line a distance of 152.50 feet to the point of beginning, containing 129.181 sq. ft. or 2.97 acres more or less;

Section 3. This ordinance shall take effect upon its passage after second reading.

Section 4. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 25th day of September, 2006.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 9th day of October, 2006.

ATTEST:

Mayor

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney's Office



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 9, 2006



SUBJECT: Second Reading for Councillor's Bill No. 57 re Economic Development Agreement for Sedona, LLC Development

Prepared By: Susan F. Grafton, Economic Development Manager

Recommended City Council Action

Pass Councillor's Bill No. 57 on second reading authorizing the City Manager to execute and implement an Economic Development Agreement (EDA) with Sedona, LLC Development. The EDA totals \$63,398, including \$38,280 in construction use tax rebates; \$15,000 in equipment use tax rebates at move-in; and a \$10,118 reduction in recoveries.

Summary Statement

- The Councillor's Bill was passed on first reading on September 25, 2006.
- The 31,000 square foot Class A office space will be built at the northwest corner of 124th Avenue and Huron Street.
- The project is expected to office approximately 65 employees new to this area of Westminster.
- Assistance is based on the City's desire to have high quality office space to attract high paying employers.

Expenditure Required: \$53,280 in use tax rebates
\$10,118 in recovery reduction

Source of Funds: The EDA will be funded through revenue received from construction use tax, sales and use tax on furnishings and equipment at move in and partial waiver of recoveries.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO. **3314**

COUNCILLOR'S BILL NO. **57**

SERIES OF 2006

INTRODUCED BY COUNCILLORS
Price - Dittman

**A BILL
FOR AN ORDINANCE AUTHORIZING AN ECONOMIC DEVELOPMENT AGREEMENT
WITH SEDONA, LLC DEVELOPMENT FOR CONSTRUCTION OF A NEW OFFICE
BUILDING IN PARK CENTRE**

WHEREAS, the successful attraction and retention of high quality development to the City of Westminster provides employment opportunities and increased revenue for citizen services and is therefore an important public purpose; and

WHEREAS, it is important for the City of Westminster to remain competitive with other local governments in creating assistance for high quality development to locate in the City; and

WHEREAS, Sedona, LLC Development plans to build a 31,000 square foot office building in Westminster, and

WHEREAS, a proposed Economic Development Agreement between the City and Sedona, LLC Development is attached hereto as Exhibit "A" and incorporated herein by this reference.

NOW, THEREFORE, pursuant to the terms of the Constitution of the State of Colorado, the Charter and ordinances of the City of Westminster, and Resolution No. 53, Series of 1988:

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Manager of the City of Westminster is hereby authorized to enter into an Economic Development Agreement with Sedona, LLC Development in substantially the same form as the one attached as Exhibit "A," and upon execution of the Agreement to fund and implement said Agreement.

Section 2. This ordinance shall take effect upon its passage after second reading.

Section 3. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 25th day of September 2006.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 9th day of October 2006.

ATTEST:

Mayor

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney's Office

Exhibit A

ECONOMIC DEVELOPMENT AGREEMENT FOR SEDONA LLC, DEVELOPMENT IN THE CITY OF WESTMINSTER

THIS AGREEMENT is made and entered into this _____ day of _____, 2006, between the CITY OF WESTMINSTER (the "City"), and Sedona, LLC Development.

WHEREAS, the City wishes to provide certain assistance to Sedona, LLC Development to aid in the construction of a new 31,000 s.f. building on the northwest corner of 124th Avenue and Huron; and

WHEREAS, the proposed facility is expected to employ approximately 65 people; and

WHEREAS, City Council finds the execution of this Agreement will serve to provide benefit and advance the public interest and welfare of the City and its citizens by securing the location of this economic development project within the City.

In consideration of the mutual promises set forth below, the City and Sedona, LLC Development agree as follows:

1. Reduction of Waterline Recovery. The City shall reduce for Sedona, LLC Development the Waterline Recovery due on the 30 inch high pressure waterline in Huron Street from \$33.09 to \$2.13 per linear foot. Sedona, LLC Development is responsible for paying the City for the waterline recovery, at the \$2.13 per linear foot, no later than the time of building permit issuance.

2. Use Tax Rebate - Construction. The City shall rebate to Sedona, LLC Development 40% of the Building Use Tax on the construction materials, collected from the building permits issued in connection with the construction and initial tenant finish of the 31,000 square feet in the building, required under W.M.C. sections 4-2-9 and 4-2-3. The rebate will be approximately \$38,280.

3. Use Tax Rebate - Furniture and Fixtures at Move-In. The City will rebate 40% of the Use Tax (excludes the City's .25% Open Space Tax and .6% Public Safety Tax) collected from the tenants of the Sedona office project through January 31, 2008 from the furnishings and equipment purchased to furnish the new facility. The rebate will be approximately \$15,000.

4. Payments of Rebates. Rebates, which in total shall not exceed \$53,300, will be paid to Sedona, LLC Development by the City in quarterly installments from revenue actually collected and received by the City from Sedona, LLC Development and the tenants. Payments of each quarterly installment shall be made within 20 days of the calendar quarter end and will be submitted electronically.

5. Entire Agreement. This instrument shall constitute the entire agreement between the City and Sedona, LLC Development and supersedes any prior agreements between the parties and their agents or representatives, all of which are merged into and revoked by this Agreement with respect to its subject matter.

6. Termination. This Economic Development Agreement shall terminate and become void and of no force or effect upon the City if Sedona, LLC Development has not begun construction of the 31,000 s.f. building by March, 2007 or should Sedona, LLC Development not comply with the City regulations or code.

7. Subordination. The City's obligations pursuant to this Agreement are subordinate to the City's obligations for the repayment of any current or future bonded indebtedness and are contingent upon the existence of a surplus in sales and use tax revenues in excess of the sales and use tax revenues necessary to meet such existing or future bond indebtedness. The City shall meet its obligations under this Agreement only after the City has satisfied all other obligations with respect to the use of sales tax revenues for bond repayment purposes. For the purposes of this Agreement, the terms "bonded indebtedness," "bonds," and similar terms describing the possible forms of indebtedness include all forms of indebtedness that may be incurred by the City, including, but not limited to, general obligation bonds, revenue bonds, revenue anticipation notes, tax increment notes, tax increment bonds, and all other forms of contractual indebtedness of whatsoever nature that is in any way secured or collateralized by sales and use tax revenues of the City.

8. Annual Appropriation. Nothing in this Agreement shall be deemed or construed as creating a multiple fiscal year obligation on the part of the City within the meaning of Colorado Constitution Article X, Section 20, and the City's obligations hereunder are expressly conditional upon annual appropriation by the City Council.

9. Governing Law: Venue. This Agreement shall be governed and construed in accordance with the laws of the State of Colorado. This Agreement shall be subject to, and construed in strict accordance with, the Westminster City Charter and the Westminster Municipal Code. In the event of a dispute concerning any provision of this agreement, the parties agree that prior to commencing any litigation; they shall first engage in good faith the services of a mutually acceptable, qualified, and experienced mediator, or panel of mediators for the purpose of resolving such dispute. The venue for any lawsuit concerning this agreement shall be in the District Court for Adams County, Colorado.

SEDONA, LLC DEVELOPMENT

CITY OF WESTMINSTER

Larry Gayeski
Manager

J. Brent McFall
City Manager

ATTEST:

Linda Yeager
City Clerk

Adopted by Ordinance No. 3314



Agenda Item 10 A

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 9, 2006



SUBJECT: Resolution No. 53 re Formal Support of Adams County Sales Tax Extension

Prepared By: Linda Yeager, City Clerk

Recommended City Council Action

Adopt Resolution No. 53 in support of Adams County's November referred ballot issue to extend an existing countywide sales tax of one-half of one percent through December 31, 2028.

Summary Statement

- The Adams County Commissioners have referred an issue to the November 7, 2006, ballot to authorize the extension of an existing countywide sales tax of one-half penny per dollar through December 31, 2028.
- Revenues derived from this sales tax will be used for the continued purpose of improving or building road and bridge projects and the additional purpose of constructing, acquiring, equipping, operating, maintaining and expanding the Adams County Justice Center, a pre-trial holding facility and a centralized government center.
- A portion of the revenues derived from the extension of this tax has been and will be shared with incorporated cities and towns in Adams County.
- A resolution in support of the extension of the Adams County sales tax is attached for City Council's consideration.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Should City Council formally support Adams County's referred ballot issue to extend the existing countywide one-half penny per dollar sales tax?

Alternative

City Council could choose not to support the extension of the tax; however, a portion of the revenues generated from this sales tax have been and will continue to be shared with the City of Westminster.

Background Information

In 1993 the Adams County electorate approved a one-half of one percent sales tax for the construction of the Adams County Justice Center. Extension of the tax was voter approved in 1997 for the expansion of the Adams County Detention Facility, and a third extension gained voter approval in 2001 to provide for the building of road and bridge projects. The sales tax is scheduled to expire on December 31, 2008, and the County Commissioners have determined that the tax should be extended through December 31, 2028, to provide the necessary funds to pay continuing costs of improvements to or the building of road and bridge projects, as well as the additional purpose of constructing, acquiring, equipping, operating, maintaining, and expanding the Adams County Justice Center, a pre-trial holding facility and a centralized government center. A portion of this tax revenue has been and will continue to be shared with the City of Westminster and other incorporated cities and towns in Adams County.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **53**

INTRODUCED BY COUNCILLORS

SERIES OF 2006

**CITY COUNCIL'S FORMAL POSITION ON ADAMS COUNTY REFERRED BALLOT ISSUE
TO EXTEND THE EXISTING COUNTYWIDE SALES TAX**

WHEREAS, Adams County electors will have the opportunity on November 7, 2006, to approve extension of the Adams County one-half of one percent countywide sales tax to December 31, 2028; and

WHEREAS, the Adams County Board of County Commissioners has determined there is and will be a deficiency in available funds for both the improvements to roadway infrastructure and for constructing, acquiring, equipping, operating, maintaining, and expanding the Adams County Justice Center, a pre-trial holding facility and a centralized government center in Adams County through the year 2028; and

WHEREAS, the City of Westminster receives a portion of this countywide sales tax for improvements to or the building of road and bridge projects within the City and will continue to receive a portion of the revenues should this measure pass.

NOW, THEREFORE, be it resolved that the City Council of Westminster endorses the Adams County referred ballot issue to extend the countywide sales tax of one-half penny per dollar to December 31, 2028, and urges its citizens to vote to approve the issue on November 7, 2006.

PASSED and ADOPTED this 9th day of October, 2006

ATTEST:

Mayor

City Clerk

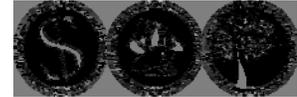


Agenda Item 10 B

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 9, 2006



SUBJECT: Resolution No. 54 re Standley Lake and Golf Course Fees For 2007

Prepared By: Ken Watson, Regional Parks and Golf Manager

Recommended City Council Action

Adopt Resolution No. 54 approving an increase in various Standley Lake Regional Park use fees and the addition of individual season passes for the City's golf courses, Legacy Ridge and The Heritage at Westmoor.

Summary Statement

- **Standley Lake** - The Standley Lake Regional Park facility is managed as a full-cost recovery operation. The Intergovernmental Agreement with the Cities of Northglenn, Thornton, and Farmers Reservoir and Irrigation Company (FRICO) require the lake operation to be supervised and secured 24 hours per day, seven days per week during the five-month boating season and patrolled from sunrise to sunset the remainder of the year. This is done with three full-time staff members and seasonal employees. Revenue from user fees covers the annual operating expenses of the lake. As operating costs increase, fee adjustments are required. Staff has also identified a need for capital improvements to the park, i.e., restroom facility, parking lot and roadway surfacing, etc. If approved, the fee increases proposed by Staff will pay for operating expenses and any surplus revenues will be placed in the Standley Lake capital improvement project improvements account to cover Standley Lake capital projects and park improvements as needed.
- **Golf Operations** – During the budget review process, Staff suggested a new offering for the City's golf courses, Legacy Ridge and The Heritage at Westmoor. The new offering would be individual season passes that would be valid at either course, Monday through Friday (holidays excluded). Staff believes this new offering could assist with generating additional revenue.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Should City Council approve Staff’s recommended increase in fees for Standley Lake Regional Park and the new individual season passes for Legacy Ridge and The Heritage at Westmoor golf courses?

Alternatives

Do not authorize the recommended fee increases for Standley Lake Regional Park and phase in increases over the next few years by authorizing the City Manager to increase fees up to 10% annually, based on Resolution # 70, adopted by City Council in September 2000. Staff does not recommend this as a viable solution to funding a capital improvement program for the Standley Lake Regional Park.

Do not authorize the addition of an individual season pass at Legacy Ridge and The Heritage at Westmoor Golf Courses and continue with the existing green fee categories. Staff does not recommend this since there is a need to generate additional revenue at the golf courses and this new program may assist with that goal.

Background Information

Standley Lake:

- Based on the cost of operations at Standley Lake, Staff is recommending fee increases in various usage categories.
- Standley Lake fees were last adjusted in 2006, with the City Manager authorizing some categories to be adjusted between 1% and 10%.
- The City Manager and Parks, Recreation and Libraries Staff have reviewed usage statistics, expenditure budgets, revenue projections, capital improvement needs, and current fees. Staff believes the proposed fees are marketable and will generate additional revenue for a capital improvement fund for the Standley Lake Regional Park.

2007 Standley Lake Fees

User Category	Existing Fee	Recommended Fee
Resident Power Boat *	\$620	\$850
Nonresident Power Boat *	\$750	\$1,025
Sail/Fish Boat	\$170	\$200
Day Boats Under 20 hp	\$13	\$15
Sr. Citizen Pass	\$13	\$14
Annual Day Pass	\$60	\$60
Daily Gate Admission	\$6	\$6
Daily Camping	\$10	\$10
Season Camping	\$132	\$200
Summer Boat Storage	\$150	\$150
Winter Boat Storage	\$185	\$185

* Annual powerboat permits include season camping, vehicles day pass and boat storage at the park during the five-month boating season.

Golf Courses:

- Staff is continually looking for revenue generators for the City's golf course operations.
- Individual golf passes are not very common at public golf courses.
- Staff believes that offering individual season passes may generate some additional revenue and continues to protect the ability for residents to play during peak days, Friday, Saturday, Sunday and holidays.
- The proposed new individual season passes would be as follows:
 - Cost: \$2,500 per season
 - Expiration: Each December 31
 - Carts: Not included
 - Eight-day advance reservation privileges
 - One round per day at the golfer's course of choice either Legacy or The Heritage. Golfers will be able to play both courses with one season pass; but only one round per day.
 - Monday through Friday only (holidays excluded)
 - Maximum of 100 passes issued per calendar year.
 - Other golf fees will be reviewed later in the year when Staff receives annual reports from the Colorado Golf Association that are used to assist with monitoring other local golf course fees and usage patterns. If the data supports changes to the existing golf fees, Staff will share this information with City Council prior to the 2007 golf season.

Respectfully submitted,

J. Brent McFall
City Manager
Attachment

RESOLUTION

RESOLUTION NO. **54**

INTRODUCED BY COUNCILLORS

SERIES OF 2006

A RESOLUTION OF THE CITY COUNCIL THAT ADOPTS FEES FOR THE 2007 SEASON AT STANDLEY LAKE REGIONAL PARK AND ESTABLISHES INDIVIDUAL GOLF PASSES AT LEGACY RIDGE AND THE HERITAGE AT WESTMOOR GOLF COURSES

WHEREAS, Staff has determined that the proposed 2007 fees for Standley Lake will generate revenue to support the operating budget and capital improvement fund for Standley Lake; and

WHEREAS, the addition of Individual Golf Passes will assist with increasing revenue potential at the golf courses; and

WHEREAS, it is the intent of the City Council to adjust fees to provide quality, service-oriented leisure facilities with marketable, competitive fees.

NOW, THEREFORE, be it resolved by the City Council of the City of Westminster that the 2007 fees for Standley Lake Regional Park and the Individual Golf Passes for Legacy Ridge Golf Course and The Heritage at Westmoor Golf Course be as follows:

2007 Standley Lake Fees

User Category	Recommended Fee
Resident Power Boat	\$850
Nonresident Power Boat	\$1,025
Sail/Fish Boat	\$200
Day Boats Under 20 hp	\$15
Sr. Citizen Pass	\$14
Annual Day Pass	\$60
Daily Gate Admission	\$6
Daily Camping	\$10
Season Camping	\$200
Summer Boat Storage	\$150
Winter Boat Storage	\$185

The proposed new individual season passes for both the Legacy Ridge and Heritage Golf Courses would cost \$2,500 per season.

PASSED AND ADOPTED this 9th day of October, 2006.

ATTEST:

Mayor

City Clerk



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
October 9, 2006



SUBJECT: Councillor’s Bill No. 58 re Adoption of the Infrastructure Fee for Streetlight and Concrete Replacement for 2007 and Adoption of the Stormwater Utility Fee Rate for 2008

Prepared By: Ray Porter, Street Operations Manager (Public Works & Utilities)
John Burke, P.E., Senior Engineer (Community Development)

Recommended City Council Action

Pass Councillor’s Bill No. 58 on first reading for an ordinance repealing Chapter 6 of Title IV “Concrete Replacement Program,” enacting Chapter 8 of Title IX, W.M.C., and amending Chapter 13 of Title VIII, W.M.C., establishing an infrastructure fee for concrete replacement and streetlight costs, and increasing the monthly base rate portion of the stormwater service fee.

Summary Statement

- Staff proposed with the 2007/2008 Budget that the Concrete Replacement Fee be increased from \$0.50/month per utility bill to \$1.00/month and that a fee of \$2.00/month per utility bill be added for the purposes of streetlight costs. These fees are proposed to be combined into one fee of \$3.00/month per utility bill as an Infrastructure Fee. The Concrete Replacement Fee will no longer appear on utility bill customers’ invoices. This fee will help address growing costs of the concrete replacement program and offset approximately half of the City’s current streetlight costs. This fee is recommended to be implemented January 1, 2007.
- In addition, as part of the 2007/2008 Budget, Staff proposed that the Stormwater Utility Fee base rate increase from \$1.50 per 3,100 square feet of impervious area to \$3.00 per 3,100 square feet of impervious area. The 3,100 square feet of impervious area is the estimated impervious area for a lot on which single family residence is located. The City of Westminster currently charges the lowest single family residential stormwater fee compared to the other Colorado municipalities that charge stormwater fees. This fee is recommended to be implemented January 1, 2008.
- Staff is recommending that City Council adopt the attached ordinance modifying the Municipal Code, repealing the chapter concerning concrete replacement, amending the chapter on fees to establish the combined infrastructure fee for concrete replacement and streetlight costs, and amending the chapter concerning the stormwater utility fee to increase the rate from \$1.50 to \$3.00/month. The ordinance mandates that all of the proceeds of the infrastructure fee be used for concrete replacement and streetlighting services.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issues

1. Should the existing \$0.50/per month Concrete Fee be increased to \$1.00/per month and combined with a proposed \$2.00/per month Street Light Fee? Should this combined \$3.00/per month Infrastructure Fee be enacted to partially offset these two combined programs' costs?
2. Should the City increase the base rate fee for stormwater management services from \$1.50 per 3,100 square feet of impervious area to \$3.00 per 3,100 square feet of impervious area?

Alternative

City Council could decide not to pass these fees proposals and provide staff with either alternative approaches to 2007 operating priorities, or revenue generators. These fee increases, based on previous reviews with City Council, were utilized to balance the proposed 2007/2008 Budget. Should City Council decide not to approve these fee proposals, then the 2007/2008 Budget will not be balanced and should not be adopted this evening and the budget will need to be quickly revised in order to meet the October 23 deadline for budget adoption as determined by the City Charter.

Background Information

Over the summer, Staff has been reviewing with City Council several options associated with fee adjustments to assist with preparing a balanced budget for the fiscal years 2007 and 2008. Two of the proposals reviewed included the creation of an infrastructure fee to offset the costs associated with concrete replacement and streetlights in the City for 2007 and increasing the existing stormwater utility fee for 2008. Both of these fee proposals were incorporated into the balanced Proposed 2007/2008 Budget submitted to City Council for adoption this evening.

The following section is broken into two parts, infrastructure fee and stormwater utility fee, to provide additional background information on each fee proposal.

Infrastructure Fee

At the July 10, 2003 Study Session, City Council directed Staff to pursue two additional revenue options: 1. Initiate a \$2.00/per month Street Light Fee and 2. Increase the existing Concrete Fee from the current rate of \$0.50 to \$1.00/per month. City Council agreed that establishing a fee to recover direct costs to the City for providing electricity, maintenance and repairs for street lights is appropriate.

Westminster's Concrete Replacement Program continues to provide funding for curb and sidewalk repair and replacement. The current \$0.50/per month Concrete Fee has been in place since 1992 for residential customers and since 2004 for commercial customers. Increasing the fee to \$1.00/per month will increase revenues by \$120,000 to \$240,000. The fee will not cover the entire cost of the Concrete Replacement Program, which was \$700,000 in 2006.

The Department of Public Works and Utilities Street Division annually budgets for Xcel Energy costs associated with street lights throughout the City. These costs include not only electricity, but also repair of damaged light poles, new street light installations, luminary (bulb) replacements and pole painting. The 2007 estimated budget for these costs is \$1,570,000. The proposed \$2.00/per month will generate \$792,000, or 50.5% of the budgeted expense, estimated for 2007 at \$1,570,000 for street light costs. These street light costs have increased dramatically over the last five years.

Staff is recommending that the \$1.00/per month Concrete Fee and the \$2.00/per month Street Light Fee be combined as an "Infrastructure Fee." This proposed Infrastructure Fee would become effective January 1, 2007.

Stormwater Utility Fee

The stormwater utility fee was established in 2001 to address the City’s storm drainage system maintenance and improvements without relying on General Fund appropriations that compete with street improvement projects, parks and recreation projects and other capital projects. In addition to capital improvement needs and maintenance costs, the stormwater utility fee funds the requirements of the federal stormwater quality mandates of the National Pollutant Discharge Elimination System (NPDES) program.

Since the inception of the City of Westminster’s stormwater management program, approximately \$4 million dollars in revenue has been generated. Approximately \$3.5 million dollars have been allocated to capital construction projects and maintenance of the storm drainage system. Based upon the Outfall System Planning documents for Little Dry Creek and Big Dry Creek, there are an estimated \$20 million to \$25 million dollars of additional improvements necessary to adequately convey stormwater runoff through the City.

Many local and regional based storm drainage construction projects have been completed, but there are still many activities that need to be addressed to adequately provide for the health, safety and welfare of our citizens. Some of the items under consideration include the review of the City’s storm drainage system to prioritize future capital improvement projects; implementation of the recommended drainage improvements for flood control; retrofit existing detention ponds throughout the City to meet current water quality standards; funding street sweeping activities for water quality purposes; increase the number of channels and drainageways receiving annual maintenance; replace deteriorating storm drainage infrastructure and fund water quality monitoring in Big Dry Creek and Little Dry Creek basins.

The City of Westminster currently charges the lowest single family residential stormwater specific fee at \$1.50 and the fourth lowest non-single family residential fee at \$0.48 per 1,000 square feet of impervious area compared to other Colorado municipalities that charge stormwater specific fees. The proposed fee increase to \$3.00 for single family residential property and \$0.97 per 1,000 square feet of impervious area on non-single family property would still keep Westminster’s fees well below the average fees of other municipalities. The average fee charged by cities assuming a \$3.00 fee in Westminster would be \$5.29 for single family property and \$1.68 for non-single family property. The following tables sort the community by descending fees:

Single Family monthly fee:	
Community	Single Family monthly fee
Ft. Collins	\$ 14.26
Loveland	\$ 10.00
Denver	\$ 7.62
Boulder	\$ 6.55
Aurora	\$ 5.18
Longmont	\$ 5.03
Parker	\$ 5.00
Arvada	\$ 4.40
Greeley	\$ 3.75
Golden	\$ 3.20
Federal Heights	\$ 3.15
PROPOSED FEE	\$ 3.00
Northglenn	\$ 2.00
Littleton	\$ 2.00
Lakewood	\$ 1.98

Average S.F. Fee \$ 5.29

Non-Single Family monthly fee (\$/1,000 S.F impervious area)	
Community	Non-Single Family monthly fee
Aurora	\$ 5.18
Ft. Collins	\$ 3.96
Denver	\$ 3.10
Federal Heights	\$ 1.62
Golden	\$ 1.60
Loveland	\$ 1.45
Arvada	\$ 1.41
Parker	\$ 1.34
Greeley	\$ 1.11
PROPOSED FEE	\$ 0.97
Lakewood	\$ 0.88
Boulder	\$ 0.83
Northglenn	\$ 0.46
Littleton	\$ 0.36
Longmont	\$ 0.25

Average Non-S.F. Fee \$ 1.68

The proposed fee will not go into effect until January 1, 2008. Should the City Council authorize this increase in the utility fee, staff will issue a request for proposals to engineering companies to evaluate the City's storm drainage system. This will allow the City to prioritize projects that mitigate the greatest risk of flooding and determine the associated cost estimates and schedule to complete these projects.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **58**

SERIES OF 2006

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE REPEALING CHAPTER 6 OF TITLE IV "CONCRETE REPLACEMENT PROGRAM," ENACTING CHAPTER 8 OF TITLE IX, W.M.C., AND AMENDING CHAPTER 13 OF TITLE VIII, W.M.C., ESTABLISHING AN INFRASTRUCTURE FEE FOR CONCRETE REPLACEMENT AND STREETLIGHT COSTS, AND INCREASING THE MONTHLY BASE RATE PORTION OF THE STORMWATER SERVICE FEE

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Title IV, Chapter 6, W.M.C., entitled "Concrete Replacement Program," is hereby REPEALED IN ITS ENTIRETY.

Section 2. Title IX, Chapter 8, W.M.C., is hereby AMENDED BY THE ADDITION OF A NEW CHAPTER entitled "Infrastructure Program for Streetlight Costs and Concrete Replacement," to read as follows:

**CHAPTER 8
INFRASTRUCTURE PROGRAM FOR STREETLIGHT COSTS
AND CONCRETE REPLACEMENT**

- 9-8-1: LEGISLATIVE INTENT
- 9-8-2: DEFINITIONS
- 9-8-3: INFRASTRUCTURE FEE ESTABLISHED
- 9-8-4: ADMINISTRATION
- 9-8-5: CONCRETE REPLACEMENT CRITERIA

9-8-1: LEGISLATIVE INTENT. THE CITY COUNCIL FINDS, DETERMINES AND DECLARES AS FOLLOWS:

(A) THE CITY OF WESTMINSTER HAS A PROGRAM TO REPLACE DETERIORATED CONCRETE CURB, GUTTER AND SIDEWALK ADJACENT TO CITIZEN'S PROPERTIES AND THROUGHOUT THE CITY, AS PART OF THE RECONSTRUCTION AND RESURFACING OF STREETS; AND,

(B) THE CITY OF WESTMINSTER PROVIDES AND MAINTAINS STREETLIGHTING, ON NEW AND EXISTING STREETS, AND PAYS FOR ITS ILLUMINATION; AND

(C) BOTH THE CONCRETE REPLACEMENT PROGRAM AND THE PROVISION AND MAINTENANCE OF STREETLIGHTING PROVIDE A DIRECT SERVICE TO BOTH OWNERS AND OCCUPANTS OF PROPERTIES WITHIN THE CITY AND TO RESIDENTS USING THE PUBLIC STREETS AND SIDEWALKS; AND

(D) AS BOTH CITY RESIDENTS AND NON-RESIDENT OWNERS OF PROPERTY RECEIVE THE HEALTH, SAFETY, AND AESTHETIC BENEFITS OF STREET ILLUMINATION AND SOUND AND SECURE SIDEWALKS, IT IS EQUITABLE AND REASONABLE TO FUND A PORTION OF THE COSTS OF SAID CONCRETE REPLACEMENT AND STREETLIGHTING BY IMPOSING AN INFRASTRUCTURE FEE ON EACH CONSUMER'S UTILITY BILL TO HELP DEFRAY PART OF THE CITY'S COSTS OF PROVIDING THESE SERVICES TO ITS USERS.

9-8-2: DEFINITIONS: FOR THE PURPOSE OF THIS CHAPTER, THE FOLLOWING WORDS AND PHRASES SHALL HAVE THE FOLLOWING MEANING:

"**BILLING DATE**" MEANS THE DATE THAT APPEARS AS THE "BILLING DATE" ON THE UTILITY BILL FOR THE MONTH FOR WHICH THE CHARGE IS BEING ASSESSED.

"**CHARGE DUE**" MEANS THE AMOUNT OWING INCLUDING ANY COLLECTION FEE.

"**CODE**" MEANS WESTMINSTER MUNICIPAL CODE.

"**COLLECTION FEE**" MEANS THE FEE ADDED TO ANY PAST DUE INFRASTRUCTURE FEE.

"**CONCRETE REPLACEMENT COST**" MEANS THE COST OF MAINTAINING AND REPLACING CURBS, GUTTERS AND SIDEWALKS WITHIN THE CITY.

"**CONSUMER**" MEANS ANY PERSON RECEIVING WATER OR SEWER SERVICE FROM THE CITY.

"**FINANCE DIRECTOR**" MEANS THE FINANCE DIRECTOR OF THE CITY OF WESTMINSTER, OR HIS/HER APPOINTEE.

"**IN-CITY**" MEANS LOCATED WITHIN THE BOUNDARIES OF THE CITY.

"**INFRASTRUCTURE FEE**" MEANS THAT PORTION OF THE UTILITY BILL INTENDED TO COVER THE COSTS OF PROVIDING CITY STREETLIGHTING AND CONCRETE REPLACEMENT.

"**PERSON**" MEANS ANY INDIVIDUAL, FIRM, PARTNERSHIP, JOINT VENTURE, PUBLIC OR PRIVATE CORPORATION, ESTATE OR TRUST, RECEIVER, TRUSTEE, ASSIGNEE, LESSEE, AGENT OR ANY PERSON ACTING IN A FIDUCIARY OR REPRESENTATIVE CAPACITY, WHETHER APPOINTED BY COURT OR OTHERWISE, OR ANY OTHER LEGAL ENTITY.

"**STREETLIGHT COST**" MEANS THE COST OF NEW STREETLIGHT INSTALLATIONS, MAINTENANCE AND REPAIR OF DAMAGED LIGHT POLES, AND THE COST OF ELECTRICITY REQUIRED FOR ILLUMINATION OF STREETLIGHTS.

"**UTILITY BILL**" MEANS THE MONTHLY BILLING STATEMENT FOR UTILITY ACCOUNTS SENT TO CONSUMERS OF CITY UTILITY SERVICES, WHICH MAY INCLUDE WATER, SEWER, STORMWATER MANAGEMENT, CONCRETE REPLACEMENT AND STREETLIGHTING.

9-8-3: INFRASTRUCTURE FEE ESTABLISHED:

THERE IS HEREBY ESTABLISHED AN INFRASTRUCTURE FEE IN THE AMOUNT OF THREE DOLLARS (\$3.00) PER MONTH ON EACH CONSUMER OF CITY UTILITY SERVICES. THIS FEE REPRESENTS A ONE DOLLAR (\$1.00) AMOUNT FOR CONCRETE REPLACEMENT COST AND A TWO DOLLAR (\$2.00) AMOUNT FOR STREETLIGHT COST. ALL PROCEEDS OF THE INFRASTRUCTURE FEE WILL BE USED TO OFFSET THE CITY'S COSTS, RESPECTIVELY, IN PROVIDING CONCRETE REPLACEMENT AND STREETLIGHTING SERVICES.

9-8-4: ADMINISTRATION:

(A) BILLING METHOD: BEGINNING WITH UTILITY BILLS HAVING A BILLING DATE OF JANUARY 1, 2007 OR LATER, THE FEE SHALL BE BILLED PERIODICALLY IN THE SAME MANNER AND TO THE SAME PERSON AS OTHER UTILITY ACCOUNTS.

(B) DUE DATE: THE CHARGE SHALL BE DUE AND COLLECTED IN THE SAME MANNER AS CITY WATER, SEWER, AND STORMWATER UTILITY FEES, EXCEPT THAT NO CITY UTILITY SERVICE SHALL BE DISRUPTED FOR NON-PAYMENT OF THE INFRASTRUCTURE FEE DUE.

(C) APPLICATION OF PAYMENT: ANY PAYMENT MADE TOWARDS THE AMOUNT OF THE BILL SHALL BE FIRST APPLIED TO PAYMENT OF THE INFRASTRUCTURE FEE.

(D) COLLECTION FEE: IF ANY CHARGE DUE IS NOT PAID WITHIN NINETY (90) DAYS OF THE BILLING DATE, A FEE OF TEN DOLLARS (\$10.00) SHALL BE LEVIED.

(E) ABATEMENT:

1. CHARGE. INFRASTRUCTURE FEES PROPERLY IMPOSED SHALL NOT BE ABATED.
2. COLLECTION FEE. ANY COLLECTION FEE LEVIED BY THIS SECTION MAY BE ABATED BY THE FINANCE DIRECTOR, IF THE FINANCE DIRECTOR FINDS GOOD CAUSE THEREFOR.

(F) SECURITY: THE CITY SHALL HAVE AS SECURITY FOR THE COLLECTION OF THE CHARGE DUE A LIEN UPON THE REAL PROPERTY LISTED AS THE SERVICE ADDRESS OF THE UTILITY BILL. SUCH LIENS SHALL BE GOVERNED BY TITLE I, CHAPTER 31 OF THIS CODE.

9-8-5: CONCRETE REPLACEMENT CRITERIA:

(A) CRITERIA FOR REPLACEMENT: CONCRETE REPLACEMENT MUST BE WARRANTED IN AT LEAST ONE OF THE FOLLOWING WAYS:

1. THE CONDITION OF THE CONCRETE IS A SAFETY, PEDESTRIAN, OR TRAFFIC HAZARD DUE TO HEAVING OR HAVING SETTLED CONDITIONS;
2. THE DETERIORATION OF THE SURFACE BY SPALLING/SCALING HAS CAUSED THE AGGREGATE TO BECOME LOOSE;
3. THE CURB, GUTTER OR SIDEWALK HAS CRACKED CAUSING INFILTRATION OF WATER INTO THE SUBGRADE, WHICH WILL RESULT IN HEAVING CONDITION AND/OR SETTLEMENT;
4. WHERE SEVERE SETTLEMENT OF GUTTERS HAS CAUSED WATER TO POND IN THE GUTTER, STREET, OR ON THE SIDEWALK, RESULTING IN ICY, HAZARDOUS CONDITIONS DURING THE WINTER MONTHS, AND STAGNANT, STANDING WATER IN THE SUMMER MONTHS.

(B) NO REPLACEMENT MAY BE AUTHORIZED BY STAFF WITHOUT MEETING THE CRITERIA DESCRIBED ABOVE.

Section 3. Section 8-13-2, W.M.C., is hereby AMENDED as follows:

8-13-2: WORDS AND PHRASES DEFINED: For the purposes of this Chapter, the following words and terms shall be defined as follows, unless the context in which they are used clearly indicates otherwise:

~~(A)~~ “Base Rate” means the monthly rate of assessment associated with each runoff area unit (RAU) calculated for a property.

~~(B)~~ “Director” means the Director of the Department of Community Development of the City of Westminster, Colorado, or his/her designee.

~~(C)~~ “Development” means any man-made change to real property including, but not limited to, buildings or other structures, streets, parking lots, mining, dredging, filling, grading, paving, or excavating.

~~(D)~~ “Impervious Surface” means surfaces on or in real property where the rate of infiltration of stormwater into the earth has been reduced by the works of man. For purposes of this chapter, buildings, man-made structures, driveways, patio areas, roofs, concrete or asphalt sidewalks, parking lots or storage areas, and other bricked, oiled, macadam or hard-surfaced areas which impede passage of stormwaters into the earth’s surface are deemed to be impervious.

~~(E)~~ —“Person” means a natural person, corporation, partnership, or other entity.

~~(F)~~ “Project Costs” means those costs of administration, management, planning, engineering, construction, reconstruction, right-of-way acquisition, replacement, contingencies, fiscal, legal, and all operation and maintenance costs of stormwater facilities including those costs to comply with federal, state or City laws regulating stormwater facilities or runoff.

~~(G)~~ “Runoff” means that part of snowfall, rainfall or other stormwater that is not absorbed, transpired, evaporated, or left in surface depressions, and that then flows controlled or uncontrolled into a street, storm sewer, watercourse or body of water.

~~(H)~~ “Runoff Area Unit (RAU)” means the average area of impervious surface on a single-family detached residential property as determined by random sampling of such properties in the City.

~~(I)~~ —“Service Fee” means the stormwater service fee as created by this ordinance.

~~(J)~~ “Stormwater Facilities” means any one or more of the various devices used in the collection, treatment, or disposition of storm, flood or surface drainage waters, including all manmade structures or natural watercourses for the conveyance of runoff, such as: detention areas, berms, swales, improved watercourses, channels, bridges, gulches, wetland areas, streams, gullies, flumes, culverts, gutters, pumping stations, pipes, ditches, siphons, catch basins and street facilities; all inlets; collection, drainage, or disposal lines; intercepting sewers; disposal plants; settling basins; outfall sewers; all pumping, power, and other equipment and appurtenances; all extension, improvements, remodeling, additions, and alterations thereof; and any and all rights or interests in such stormwater facilities.

“UTILITY FEE” OR “FEE” MEANS THE STORMWATER UTILITY FEE CREATED BY THIS ORDINANCE.

~~(K)~~ “Watercourse” means a stream having a body or banks and usually discharging into some other stream or body of water.

Section 4: Section 8-13-4, W.M.C., is hereby AMENDED as follows:

8-13-4: ESTABLISHING STORMWATER UTILITY FEE:

(A) Fee established. There is hereby imposed on the owner of each and every lot or parcel of land within the City containing an impervious surface, a stormwater ~~service~~ UTILITY fee. This ~~service~~ fee is deemed reasonable and is necessary to pay for the project costs of existing and future City stormwater facilities. All of the proceeds of the service fee are for payment for use of the City’s stormwater facilities by the owners of real property upon which the ~~service~~ fee is imposed.

(B) Basis for fee. The basis for the amount of the ~~service~~ fee is the extent to which each parcel of land within the City makes use of the stormwater facilities, such use to be defined by the amount of impervious surface on the property. The fee is also based on the cost of including the parcel in the property and billing records, plans, and monitoring activities of the stormwater management program.

(C) Exemptions. All public highways, roadways, streets, alleys, railroad rights-of-way, irrigation canals, and undeveloped property shall be exempt from all charges imposed by this chapter.

(D) How fee collected. The ~~service~~ fee shall be payable monthly and shall be billed and collected with the City water and sewer bill.

(E) Calculation of fee. For purposes of imposing the stormwater ~~service~~ UTILITY fee, all lots and parcels within the City are classified into ~~the following~~ two (2) classes; NAMELY, SINGLE-FAMILY DETACHED RESIDENTIAL (SFDR) AND ALL OTHERS (NON-SFDR).

1. ~~Single family detached residential. (sfdr)~~
2. ~~All others. (non sfdr)~~

The Director or his designee is directed to prepare a list of lots and parcels within the City and assign the appropriate classification to each lot or parcel, AS FOLLOWS:

1. Each single-family detached residential property shall be billed a flat fee as established herein for the average impervious area on the property. The single-family detached residential average area shall be referred to as the runoff area unit (RAU). The RAU will be determined by digitally measuring and summing the impervious area on a random sample of approximately 450 single-family detached residences in the City and averaging the total. The monthly fee to be charged for each single-family detached residential property ~~and~~ shall be referred to as the current base rate per month. Both the RAU and the base rate ~~shall~~ WILL be established by ~~City Council~~ ORDINANCE OR ~~R~~resolution OF CITY COUNCIL. Prior to consideration of aN ORDINANCE OR ~~R~~resolution to subsequently modify the RAU or the base rate, the City shall publicize the proposed fee modification and provide an opportunity for public input regarding the proposed fee change.
2. For all other properties not covered by ~~Subsection~~ PARAGRAPH (E)1. of this Section, the ~~service~~ fee shall be determined by dividing the calculated total square footage of impervious area on the property by the runoff area unit (RAU), multiplying the result by the base rate, and apportioning the result to the utility accounts which serve the property. The billing rate for non-SFDR properties may be updated by the Director based on any additions/subtractions to the impervious area.

(F) Additional fees. The ~~service~~ STORMWATER UTILITY fee shall be subject to additional fees for delinquent payment, uncollectible checks, liens and any other penalties which are the same as those imposed with City water or sewer utility charges.

Section 5: Section 8-13-5, subsection (A), W.M.C., is hereby AMENDED as follows:

8-13-5: ADMINISTRATIVE AND JUDICIAL REVIEW:

(A) Right to petition. A property owner may petition the Director for a revision or modification of the ~~service~~ STORMWATER UTILITY fee no later than thirty (30) days after having been billed for such charge. Any such petition may only be filed once in connection with the issue or issues presented in the petition, except upon a showing of changed circumstances sufficient to justify the filing of an additional petition. The basis for the petition is limited to the following issues:

1. For single-family detached residential. An owner of single-family detached residential ~~detached~~ property may petition on the basis that his/her property has been incorrectly classified as such.
2. For all other properties (non-SFDR). An owner of property other than single-family detached residential may petition on the following basis:
 - a. The impervious area on the property has been improperly measured or calculated.
 - b. The property is exempt from the ~~service~~ fee pursuant to ~~w.m.e.~~ W.M.C. § 8-13-4(e)(C).
 - c. The property is improperly classified as non-SFDR.
 - d. A computational error was made in calculating the amount charged.

Section 6: Section 8-13-6, subsection (A), W.M.C., is hereby AMENDED as follows:

8-13-6: ENFORCEMENT:

(A) Lien declared. The City Council hereby finds and determines that it is the policy of the City that all stormwater facilities supplied and furnished by the City and supported by the ~~service~~ STORMWATER UTILITY fee shall be deemed to be supplied and furnished to the real property so served without regard to the actual person, business, organization or entity billed for stormwater facilities. Accordingly, in addition to other civil collection procedures, all fees and charges, together with all interest and penalties for default in payment, and all costs in collecting the same, until paid, shall constitute a perpetual lien on the property, on a parity with the tax lien of general, state, county, city, town, or school taxes, and no sale of such property to enforce any general, state, county, city, town or school tax or other liens shall extinguish the perpetual lien for such fees, charges, interest, penalties, and costs.

Section 7. The base rate for the stormwater utility fee, referenced in Section 8-13-4(E)1., W.M.C., is hereby increased from one dollar and fifty cents (\$1.50) per 3,100 square feet of impervious area to three dollars (\$3.00) per 3,100 square feet of impervious area. This increase shall become effective on January 1, 2008.

Section 8. This ordinance, which increases the stormwater utility fee and the concrete replacement fee and creates a new infrastructure fee by incorporating the former concrete replacement fee and adding a street lighting fee, is reasonable and necessary to pay for the increased costs of providing these City services and, thus, is necessary to preserve the health, safety, and welfare of the citizens and residents of the City of Westminster.

Section 9. This ordinance shall take effect upon its passage after second reading.

Section 10. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 9th day of October, 2006.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 23rd day of October, 2006.

Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney's Office



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 9, 2006



SUBJECT: Resolution No. 55 re Adoption of 2007 and 2008 City Budgets and Councillor's Bill No. 59 re 2007 and 2008 Appropriations

Prepared By: Steve Smithers, Assistant City Manager
Barbara Opie, Assistant to the City Manager
Robert Byerhof, Financial Analyst
Aric Otzelberger, Management Intern II

Recommended City Council Action

1. Adopt Resolution No. 55 that sets the City mill levy at 3.65 mills for both fiscal years 2007 and 2008 and formally adopts the total 2007 and 2008 City budgets, including staffing levels and the Five Year Capital Improvement Program.
2. Pass Councillor's Bill No. 59 on first reading appropriating funds for the 2007 and 2008 budgets.

Summary Statement

Under City Charter provisions, City Council is to hold a public hearing on the proposed City Budget for the ensuing year and adopt it no later than the fourth Monday in October. Two public meetings were held on June 12 and July 10 and a public hearing was held on the proposed 2007 and 2008 Budgets on September 18. A copy of the proposed 2007 and 2008 Budgets have been on file in the City Clerk's Office for citizen review since September 1 and the appropriate legal notices have been published in the official City newspaper.

The Proposed 2007 and 2008 Budgets mark the City of Westminster's third two-year adopted budget. In November 2000, Westminster voters approved a ballot measure that amended the City Charter to enable the City to adopt a two-year budget. One of the foremost benefits of biennial budgeting is the shift in focus towards the long-term and strategic aspects of budgeting. A biennial budget is also a better complement to longer term financial and policy planning such as the City's 5-Year Capital Improvement Program and Strategic Plan. The two-year budgeting approach emphasizes longer planning time frames and more consistent priorities from year to year. Staff is pleased to present the City's proposed two-year budget at this time.

The 2007 and 2008 Budgets reflect all City operations and services to be provided to Westminster citizens and businesses in 2007 and 2008. This budget is balanced based on no tax increases or new taxes. 2007 will be the fifteenth and 2008 will be the sixteenth years maintaining the City's property tax mill levy at 3.65 mills. The 2007 and 2008 Budgets both reflect the City's work towards sustainability and developing replacement revenues.

The total Proposed 2007 Budget is \$160,102,718, excluding \$45,542,419 in reserves and \$1,000,000 in contingency. The total Proposed 2008 Budget is \$166,636,641, excluding \$41,217,454 in reserves and \$1,000,000 in contingency.

A brief summary of the proposed 2007 and 2008 City Budgets is as follows:

- The 2007 General Fund operating expenditures are budgeted at \$89,302,102 (including contingencies), which is a decrease of 1.6% from the 2006 estimated expenditures for the operating budget (\$90,726,360). In 2008, General Fund operating expenditures are budgeted at \$91,669,769 (including contingencies) which is an increase of 2.7% over the proposed 2007 budget for operating expenditures.

- The 2007 General Fund is predicated on receiving a transfer payment from the Sales and Use Tax Fund totaling \$55,760,254, which is less than a 0.01% increase over the 2006 estimated year-end transfer payment of \$55,756,916. The 2008 General Fund is predicated on receiving a transfer payment from the Sales and Use Tax Fund totaling \$57,243,969, an increase of 2.7% over the proposed 2007 transfer payment.
- In 2007, the Contingency account is recommended at \$1,000,000 in the General Fund. The 2007 General Reserve Fund is recommended at \$9,096,654 and the Utility Reserve Fund at \$32,669,749. In 2008, the Contingency account is again recommended at \$1,000,000 in the General Fund. The 2008 General Reserve Fund is recommended at \$9,487,810 and the Utility Reserve Fund at \$27,857,054.
- The total number of full-time equivalent (FTE) staffing in 2007 is 979.124 FTE, a net increase of 6.55 FTE. In 2007, additional full-time equivalent employees (FTE) are proposed in the budget to maintain current service levels. Included in these figures are proposed 1.0 FTE Property Evidence Technician and 0.5 FTE Record Technician in the Police Department, 0.5 FTE Secretary in the Fire Department, and 0.8 FTE Assistant Prosecuting Attorney and 0.5 FTE Legal Secretary in the City Attorney's Office made possible as a result of the public safety tax. In addition, a 1.0 FTE Sales Tax Audit Supervisor in the Finance Department is possible due to increased audit collections of taxes owed the City and 1.0 FTE Recreation Aide in the Parks, Recreation and Libraries Department that replaces four temporary Recreation Aide positions (converting them from temporary to permanent staff). The total number of full-time equivalent (FTE) staffing in 2008 is 980.124 FTE, a net increase of 1.0 FTE from 2007, of which 1.0 FTE Police Officer in the Police Department is possible due to the public safety tax.
- In order to ensure reliable infrastructure throughout the City that accommodates continued growth, a proactive Capital Improvement Program (CIP) is recommended as a key component of the 2007 and 2008 Budget. The total capital improvements proposed for 2007 is \$27,312,000. 100% of the recommended 2007 CIP will be funded on a "pay-as-you-go" basis. City streets and traffic improvements are recommended for 2007 at \$2,351,000; facilities and infrastructure improvements at \$1,320,000; public safety capital improvements at \$391,000; park improvements at \$4,083,000; wastewater, water and stormwater improvements at \$19,167,000. The total capital improvements proposed for 2008 is \$30,508,000. 100% of the recommended 2008 CIP will be funded on a "pay-as-you-go" cash basis. City streets and traffic improvements are recommended for 2008 at \$2,130,000; facilities and infrastructure improvements at \$1,205,000; public safety Capital improvements at \$748,000; park improvements at \$4,351,000; wastewater, water and stormwater improvements at \$22,074,000.
- The various citizen requests received by the City and Council direction on these requests are reflected in the background section of this memo.

City Council is requested to approve the resolution and its attachments adopting the 2007 and 2008 City Budget. City Council is also requested to pass on first reading the Appropriations Ordinance for 2007 and 2008, which sets forth the amounts of estimated revenue and expenditures by each separate fund of the City for calendar years/fiscal years 2007 and 2008. These actions are in compliance with City Charter budget provisions.

Expenditure Required

2007 = \$160,102,718, plus \$45,542,419 in reserves and \$1,000,000 in contingency; and
2008 = \$166,636,641, plus \$41,217,454 in reserves and \$1,000,000 in contingency.

Source of Funds

General; Utility; General Reserve; Utility Reserve; Golf Course; Fleet Maintenance; General Capital Outlay Replacement; Sales & Use Tax; Parks, Open Space and Trails (POST); Conservation Trust; General Capital Improvement; and Debt Service Funds

Policy Issue

Does City Council support the Proposed 2007 and 2008 Budgets as presented by Staff and reviewed at the July 10 Post City Council Meeting (2007 Operating Priorities review), August 21 Study Session (2008 Operating Priorities and 2007 & 2008 Proposed Capital Improvement Program reviews), August 28 Post City Council Meeting (City Council’s 2007 & 2008 Proposed Budgets), and September 23 City Council Budget Retreat (entire Proposed 2007 & 2008 City Budgets review)?

Alternative

City Council could direct Staff to reconstruct the Proposed 2007 and 2008 Budgets. City Council is required by City Charter to adopt a Budget for the following fiscal year no later than the fourth Monday in October. Therefore, Staff does not recommend reconstructing the 2007 and 2008 Budgets in light of the quickly approaching Charter deadline, and Staff believes that the proposed budgets accurately reflect the policy direction of Council.

Background Information

City Council Focus Areas: In April, City Council revisited their focus areas for 2007-2011. The focus areas are as follows:



Fiscally Sound City Government



Safe and Secure Community



Vibrant Neighborhoods and Commercial Areas



Balanced, Sustainable Local Economy



Beautiful City

The Proposed 2007 and 2008 Budgets were developed in support of City Council’s goals. The full Budget Message document is attached and provides an overview of the Proposed Budget funding priorities including services, staffing levels, and capital improvement projects for the coming two years.

Citizen Requests: At the various meetings and hearing on the Proposed 2007 and 2008 Budgets, several residents either requested that City Council consider providing funds for specific City projects or programs. In addition, several requests were received via e-mail. City Council had the opportunity to review these requests in more detail at the Budget Retreat and, where appropriate, funds have been included in the 2007 and 2008 Budget to address these projects. A summary of the twenty-six requests addressed follows:

1. *Road improvements on 72nd Avenue between Sheridan Boulevard and Meade Street (Requested on April 13th via e-mail to the City Council) –* Larry Dean Valente requested road improvements along 72nd Avenue between Sheridan Boulevard and Meade Street. Mr. Valente mentioned in his e-mail that the current street width is too narrow along portions of 72nd Avenue and felt the following points supported his request:
 - increased safety by having uniform width lanes;
 - strengthened electrical grid with relocation of utilities underground and “looping” the system;
 - increased pedestrian safety as sidewalks are used heavily on both sides of the street by high school and elementary children; and
 - improved general aesthetics.

The City is projecting to begin road improvements between Sheridan Boulevard and Wolff Street along 72nd Avenue in early spring 2007 as part of the South Sheridan Urban Renewal Area improvements. Road improvements east of Wolff Street to Meade Street are not budgeted in 2007-2008 due to lack of funding. Of note, consideration of road improvements east of Wolff Street to Meade Street should be made in the context of the design and timing of work commencement relative to the RTD FasTrack's initiative since the railroad crosses 72nd Avenue between this stretch of the road. The estimated cost of the improvements between Wolff Street to Meade Street is \$7,300,000.

The City does not have the funds available in the budget to complete the entire stretch of improvements between Sheridan Boulevard and Meade Street in the Proposed 2007-2008 Budget and Staff does not recommend changing the proposed Capital Improvement Program at this time. Improvements between Sheridan Boulevard and Wolff Street are anticipated to commence in spring 2007, with funding from tax increment financing. City Council concurred with Staff's recommendation.

2. *Traffic signal at the intersection of 72nd Avenue and Depew Street (Requested on June 6th via e-mail to the City Manager)* – Filbert Martinez requested the installation of a traffic signal at the intersection of 72nd Avenue and Depew Street due to the traffic that hinders motorists from turning left onto 72nd Avenue from Depew Street. Similar requests were given at public hearings related to development within the subject vicinity to install more traffic signals along 72nd Avenue. The City did respond back to Mr. Martinez via e-mail, explaining that a formal review process prioritizes the installation of traffic signals. One of the most relevant factors considered is traffic count figures. This process is in place to ensure that signals are installed at intersections that meet this threshold given the City's limited source of funds. A 4-legged intersection traffic signal costs \$180,000.

At this point, the installation of a traffic signal at the intersection of 72nd Avenue and Depew Street is not recommended due to traffic counts. Staff will continue to monitor traffic patterns in this area and anticipates that traffic may increase to the point of warranting a traffic signal some time in the future, particularly as land is redeveloped to the immediate east of this intersection as part of the South Sheridan Urban Renewal Area Plan. While no signal is recommended currently, funds are included in the Five Year Capital Improvement Program under the Signals/Speed Control Devices capital project that could be utilized towards a traffic signal at this intersection should it meet warrants. City Council concurred with Staff's recommendation.

3. *Traffic calming measures in the Cheyenne Ridge subdivision (Requested at the June 12th public meeting)* – Ron Biehler, who lives in the Cheyenne Ridge subdivision, requested that some type of speeding mitigation measure be considered within this development. Specifically, Mr. Biehler mentioned the installation of speed bumps or speed dips as a means to prevent speeding in the neighborhood as he feels too many drivers are driving in excess of the legal limit. Mr. Biehler brought in a petition signed by 62 of the 77 households in the neighborhood supporting action to be taken. He also mentioned that police patrols in the neighborhood were witnessed but have been ineffective. He felt that part of the issue was that drivers turn into the development to avoid traffic signal waits as a means to shorten their commute time.

In December 2004, City Council placed a moratorium on the installation of traffic calming devices, such as speed bumps. The moratorium was enacted based on research, which indicated that such devices were ineffective. Instead of traffic calming devices, Staff recommended hiring two additional Accident Investigators and a Traffic Technician in the Police Department as a means to target residential street enforcement and commence an educational partnership with neighborhoods to address traffic issues. The Traffic Technician was hired in the summer of 2005 and the Accident Investigators were hired in the spring and winter of 2005. The Traffic Technician is the point person for traffic complaints, which are analyzed against several criterion to make an informed decision on whether the violations are occurring frequently enough to justify officer presence. The educational efforts include the Drive Wise Westminster program that helps handle traffic complaints. In addition, the Traffic Technician has been very active in attending Community Oriented Governance (COG) meetings, as well as meeting with many individual neighborhoods and homeowners associations.

Regarding the issue of drivers cutting through the neighborhood to avoid traffic signal delays, Staff believes that this may only be a temporary issue. Vehicles may be cutting through the neighborhood as a result of the construction of the Huron Street improvements at the intersection of 144th Avenue and Huron Street. The improvements will be completed by the end of August, which will result in a fully improved intersection. Before the improvements, this intersection had one lane for all directions, which may have influenced motorists to cut through the neighborhood. The improved intersection will have 5 lanes in each direction (1 right turn, 2 through and 2 left turn lanes) for each direction, which will result in very limited delays at the intersection. With these significant improvements, Staff does not anticipate drivers will save any time cutting through the neighborhood and will use the 144th Avenue and Huron Street intersection instead; however, Staff will monitor the area to determine if motorists are cutting through the neighborhood. The estimated cost to install a narrow speed bump is \$3,000 apiece and would total \$6,000 for two in the neighborhood.

Staff does not recommend that such measures be installed in neighborhoods given Council's moratorium on speed mitigation devices and the inconclusive evidence of their effectiveness. To address neighborhood traffic issues, the City hired additional Police Department staff to support a program that includes both outreach and officer presence in neighborhoods as a more effective way to address traffic concerns. As such, citizens may contact the Police Department directly with a traffic issue or attend a COG meeting or request an officer presence at a homeowner's association meeting to become educated on the Drive Wise Westminster Program. No funding has been included in the Proposed 2007/2008 Capital Improvement Program for this request. City Council concurred with Staff's recommendation.

4. *Storm Drainage improvements along 116th Avenue near the Ranch subdivision (Requested at the June 12th public meeting)* – Ken Harris and Don Lewis from the Ranch subdivision requested that the City address stormwater flooding issues in the subject area. Flooding after storms results in debris collection in this area and has also led to maintenance expenses. Mr. Harris mentioned that the neighborhood's home owners association has paid over \$22,000 for clean-up and repair from damage that occurred as a result of insufficient stormwater culverts. Mr. Harris distributed photographs and pointed out the following problems:
 - a. The curb at 116th results in water collection, which results in ice formation during the winter;
 - b. The curb is deteriorating due to the excessive water collection;
 - c. The water collection creates a safety issue for children;
 - d. The water collection creates a mosquito breeding ground;
 - e. There is an odor/sanitary issue regarding water collection and trash build up.

Mr. Harris pointed out that residents pay a stormwater fee, and that funds should be available to pay for stormwater culvert enhancements in this area or that the City pursue funding from the Urban Drainage District. The cost estimate for improvements is \$100,000 for building a new culvert and channel enhancements.

In July, the City completed gutter and sidewalk enhancements near the storm drain in question; however, Staff believes that the existing culvert is inadequate to channel water effectively. This property is not City-owned and is the responsibility of the homeowner's association.

In the Proposed 5-year Capital Improvement Program (CIP), the City budgets funds for miscellaneous storm drainage improvements. Public improvements are placed on a priority list, which is reviewed annually. However, part of the issue of maintaining and improving culverts falls under the responsibility of the homeowners' association as property impacted by the flooding issue is private per plat records and is owned by The Ranch's homeowner's association. The City traditionally has been cautious not to establish a precedent by funding private improvements with public dollars unless it is funded by revenues associated with a significant development project. For this request, Staff recommends that Council adhere to past precedent and not provide funding for private storm drainage improvements. City Council concurred with Staff's recommendation.

5. *Cheyenne Ridge Park development (Requested at the June 12th public meeting)* – Heather Brown and her son, Hunter, along with two family friends, Ryan and Emily, reiterated the Brown's request to fund park improvements in the Cheyenne Ridge subdivision. The Brown's made this request in 2004 for consideration in the 2005-2006 Budgets; however, funding was not available during this budget period but was included in the 5-year Capital Improvement Program for 2007. Funding of the following park improvements was requested at the June 12th meeting: a swimming pool, tennis courts, basketball courts, and a tree house.

Included in the Proposed 2007 Capital Improvement Program Budget is \$300,000 for park improvements in the Cheyenne Ridge subdivision. This level of funding will cover the construction of a playground, a grass field and the costs for irrigation improvements (including the tap fee) at the park. In addition, the current estimated ongoing maintenance for this 5 acre park will cost approximately \$30,000 per year, based on a \$6,000 per acre cost to maintain improved neighborhood parks. Funding of other items, such as the swimming pool, tennis courts, basketball courts, and a tree house is not recommended as such improvements are not consistent with small, neighborhood park design. The park will undergo the normal neighborhood participation in planning the park layout and amenities. City Council concurred with Staff's recommendation.

6. *Additional Code Enforcement Officers (Requested at the June 12th public meeting)* – Vi June requested that additional Code Enforcement Officers be included in the 2007 and 2008 Budgets. Her concern centered on the general upkeep of residential property and felt that additional officers may lead to a proactive versus reactive response to violations. Ms. June made this similar request for the 2005-2006 Budget. A 1.0 FTE Code Enforcement Officer was added in 2005 and funded by the public safety tax. The City currently has six Code Enforcement Officers. In the 2006 citizen survey, it was noted that Westminster residents consider weeds, parked vehicles and other code violations at least a minor problem; however, Westminster ranks "above the norm" when respondents were asked about the quality of code enforcement relative to neighboring Front Range cities. The cost of an additional Code Enforcement Officer is \$54,500 for salary and benefits. Additional costs associated with this position total \$22,150 for a vehicle and necessary field and office equipment.

The Proposed 2007-2008 Budgets do not include additional personnel for Code Enforcement. In 2007, a 0.5 FTE Records Specialist and a 1.0 FTE Property Evidence Technician is proposed in the Police Department due to the increased workload associated with personnel added with the public safety tax. In 2008, a 1.0 Police Officer is proposed. Staff does not believe that the present caseload is significant enough to justify more personnel within this section. City Council recently approved changes to the City Code, including the addition of a graduated property fine structure for code violations that Staff believes will result in more effective code enforcement across the City. Staff recommends this refined course of action to address code violations rather than adding staff. City Council concurred with Staff's recommendation.

7. *Traffic Stop signs at the intersection of 132nd Avenue and Pecos Street (Requested at the June 12th public meeting)* – Dolph Carlson requested that the City install traffic stop signs at the T-intersection of 132nd Avenue and Pecos Street due to safety issues concerning pedestrians crossing the streets. Mr. Carlson mentioned that a child was injured at this intersection in the recent past and that the presence of an elementary school heightens the need for a stop sign or some other traffic mitigating measure. A representative from Community Development did contact Mr. Carlson to discuss the issue and explained the rationale for not installing a 3-way stop sign. Foremost, a stop sign at this intersection does not meet the criteria the City follows based on federal guidelines relative to traffic loads.

At this point, the installation of a 3-way stop sign at the intersection of 132nd Avenue and Pecos Street is not recommended. Although the cost of stop sign is fairly minimal, Staff does not recommend that one be considered in the Proposed 2007/2008 Budgets due to the traffic signal/sign criteria the City follows based on federal guidelines. However, Staff does recommend that an alternative measure be installed, which is a pedestrian actuated flashing device at this intersection, at a cost of \$6,500. The Proposed 2007 Capital Improvement Program includes \$145,000 for New Traffic Signals/Speed Control Devices Project that is available to fund the recommended flashing device. City Council concurred with Staff's recommendation.

8. *Sound wall on the north and south sides of 92nd Avenue between Raleigh Street and the City Hall property line (Requested at the July 10th public meeting)* – JT and Patricia Thomas requested the installation of a sound wall along 92nd Avenue between Raleigh Street and the City Hall property line on both the north and south sides of 92nd Avenue due to an increase in traffic noise. The Thomas' have brought this to the attention of Council previously in 2003 and 2004 along with a petition on this issue. They were given a variance through Community Development to build an 8-foot fence versus the standard 6-foot fence, but this variance requires a uniform fence along the entire stretch of this portion of the road. Given the potential difficulty in getting approval from all residents to agree and pay for a uniform fence, the Thomas' are requesting assistance to build the fence. While the City does not typically construct sound walls, Community Development Staff provided rough estimates for an 8-foot tall architectural wall and a 10-foot tall architectural wall. The cost for an 8' brick wall is approximately \$191 per linear foot and \$230-239 per linear foot for a 10' brick wall, which results in an estimated cost based on 3,300 linear feet in the amount of \$630,300-\$788,700.

Staff believes that the existing noise conditions that Mr. and Mrs. Thomas are concerned about were neither caused nor enhanced by the City. City Council has been sensitive not to establish a precedent in other areas of the City to fund private improvements with public dollars unless funded by revenues associated with a significant development project. For this request, Staff recommends that Council adhere to past practice of not providing funding for private walls. City Council concurred with Staff's recommendation.

9. *Development of the Grange Park (Requested at the July 10th public meeting)* – JT Thomas requested improvements for Grange Park in South Westminster. Mr. Thomas requested that the currently undeveloped park have a meeting room facility and restrooms built. Mr. Brown is active in Westminster as a Scouting volunteer and mentioned that there may be a possibility to recruit youth volunteers as part of the park's development. Community Development Department Staff noted that at the current time, no funding is available to develop this park; however, its development is part of long range goals in this historical area of Westminster. Staff in the Parks, Recreation, and Libraries Department estimated that the cost to develop this two-acre park is \$250,000. An affordable meeting facility currently exists at the Grange Hall and restrooms will be considered as part of a future project at this site.

Staff does not recommend funding park improvements at this location given other higher funding priorities. However, incremental improvements may be facilitated over the next few years and volunteer projects may be part of those improvement projects. City Council concurred with Staff's recommendation.

10. *Development of City Center Park at 92nd Avenue and Yates Street across from City Hall (Requested at the July 10th public meeting)* – Bernice Aspinwall requested that the park on 92nd Avenue and Yates Street across from City Hall be developed. Ms. Aspinwall made this citizen request during the 2005-2006 Budget process. She reiterated her concern that the undeveloped park is being used as a trash dumping ground and as an off-leash park for dogs where owners do not pick up after their pets. Later in the public meeting a similar request was made by Randall Whorton. The land for the park was donated by developer Jim Sullivan to the City of Westminster in 1995 and plans for developing the park were subsequently initiated. In 2000, there was a bond proposal for the development of parks in Westminster, including the subject park that was not approved by the voters. Funding for the park is included in the Proposed 2007/2008 CIP budget, commencing in 2008.

The Parks, Recreation and Libraries Department estimates that the cost of developing this ten acre park site will run between \$1,240,000 - \$2,000,000. The master plan for the park includes detailed walls, planting areas, fountain work and garden designs. The proposed park will not be a traditional neighborhood park but more of an urban park that will include substantial hardscape elements. In the meantime, volunteers are picking up trash in the park to keep the site looking respectable. Parks Staff also routinely mows the park in order to keep it from becoming overgrown. In the fall of 2006, a Parks and Open Space bond proposal will be presented to the voters for approval of various park improvements; this park will be considered for funding through these bond proceeds if approved by the voters. City Council concurred with Staff's recommendation.

11. *Traffic signal at the intersection of 92nd Avenue and Xavier Street (Requested at the July 10th public meeting)* – Betty Kutsuma requested the installation of a traffic signal at the intersection of 92nd Avenue and Xavier Street across from the City Hall entrance due to traffic that hinders motorists from turning left onto 92nd Avenue from Xavier Street. In addition, Ms. Kutsuma mentioned that turns are difficult on to 92nd Avenue due to sight obstructions caused by the median between the directional lanes. The City has a formal review process before additional signals are installed in intersections that are not part of a significant development project. The review follows federal guidelines to ensure traffic regulation uniformity between the states and jurisdictions. Between the first and second quarter of each year, the City conducts a review of traffic signal requests in order to prioritize installations, which are predominately based on traffic flow patterns and counts. One of the most relevant factors considered is traffic count figures. This intersection currently does not meet the criteria needed to install a signal; however, the City will continue to monitor this intersection. This process is in place to ensure that signals are installed at intersections that meet this threshold given the City’s limited funding.

At this point, the installation of a traffic signal at the intersection of 92nd and Xavier Street is not recommended. At a cost of approximately \$180,000, Staff does not recommend that a traffic signal be considered in Proposed 2007-2008 Budgets as this intersection is not considered a high priority for a signal installation, but Staff will continue to monitor the intersection as part of the annual priority review. It should be noted that a traffic signal is in place one street west of Xavier Street on City Center Drive for convenient east bound turning onto 92nd Avenue. With regards to sight obstruction, the sight distance is adequate for the posted 35 MPH speed limit. The City completes regular maintenance on all medians that are City-owned and when a citizen requests a median review. Staff in the Parks, Recreation and Libraries Department evaluated the vegetation growth of the medians directly east and west of the intersection at 92nd Avenue and Xavier Street and assessed that current growth is within acceptable limits. City Council concurred with Staff’s recommendation.

12. *Expansion of Irving Street Library operating hours (Requested at the July 10th public meeting)* – Larry Dean Valente requested that the hours of operation at the Irving Street Library be expanded to mirror that at the College Hill Library. The current hours of operation are as follows:

	Irving Street	College Hill
Monday-Thursday	9:00 AM to 9:00 PM	8:00 AM to 9:00 PM
Friday	9:00 AM to 5:00 PM	9:00 AM to 5:00 PM
Saturday	10:00 AM to 5:00 PM	10:00 AM to 5:00 PM
Sunday	Closed	1:00 PM to 5:00 PM

At this point, expanding the hours of operation at the Irving Street Library is not recommended due to budget constraints. The additional estimated annual cost to operate the library to mirror the hours of operation at the College Hill Library is \$40,000 and at this time, the City does not have adequate funding to accommodate this request.

In addition, Staff researched comparable libraries that have a central and branch footprint. This research indicates that most of these comparable library systems only have the central library open on Sundays. In Westminster’s case, the central library is the College Hill Library, which is open on Sunday’s as noted above.

In 2007, Staff is proposing to reduce College Hill Library’s operating hours during the week to match Irving Street Library, opening at 9:00 AM Monday-Thursday. When College Hill Library opened initially, it was believed that due to the college student population at College Hill, opening at 8:00 AM Monday-Thursday was needed. However, based on the actual low customer attendance between 8:00 AM-9:00 AM, Staff recommends matching Irving Street Library’s hours. City Council concurred with Staff’s recommendation.

13. *Retain Large-Item Trash Pick-up (Requested at the July 10th public meeting)* – Larry Dean Valente requested that the City not reduce the annual large item trash pick-up program. Mr. Valente noted that a reduction in this program was proposed as a cost saving initiative described in the 2007 Operating Budget Priority Staff Report dated July 10, 2006. As a business owner, Mr. Valente was concerned that a reduction in this program would lead to an increased cost to business owners. He felt homeowners would dump large item trash in commercial bins or worse yet, litter. During the Post City Council meeting Staff was directed by Council to investigate other solutions that would keep the program whole. On August 21, Council concurred with Staff's recommendation to initiate a \$10 registration fee to participate in the program. Although the nominal cost will not offset the estimated total cost of \$180,000, the registration fee will create greater efficiency in the program by identifying which households need service by the providers and allow the program to remain in place.

Staff recommends that the large-item pick-up program continue with its present once-a-year service. As a means to offset the cost of this program, estimated at \$180,000, a nominal user fee in the amount of \$10 will be charged to participants. Participants will request large item pick-up service with their paid fee a few months prior to actual pick-up date. The nominal fee will offset less than half of the total cost estimate per household of \$25 per pick-up. A total of \$180,000 is included within the Proposed 2007/2008 Budget in the Public Works and Utilities' Street Division and \$70,000 (7,000 participants projected) included with the projected revenues. City Council concurred with Staff's recommendation.

14. *Fines for littering and picking up election signs. (Requested at the July 10th public meeting)* – Randall Whorton requested that the City consider assessing higher fines for individuals caught littering and fines for political campaign signs that are not removed in a timely manner after elections. The City already has a littering policy in place where fines can reach up to \$999 depending on circumstances. Regarding the issue of campaign signs not removed, candidates are informed when issued a sign permit that they are responsible for removing their signs. If the signs are not removed in a timely manner, a call is placed to the responsible party or if a Code Enforcement Officer encounters a sign posted illegally, that officer will remove the sign and dispose of it.

Staff believes that the current policy and fine structure is appropriate for littering and campaign sign issues and does not recommend any changes. With a range of fines at its disposal, Municipal Court is able to deal with the specific facts of a case. In addition, prior history indicates that once an old political sign is reported to Code Enforcement, a call to the respective party will lead to the sign being removed promptly. City Council concurred with Staff's recommendation.

15. *Traffic signal at the intersection of 112th Avenue and Alcott Street (Requested on July 16th via e-mail to Councillor Kaiser)* – Judy White requested that the City install a traffic signal at the intersection of 112th Avenue and Alcott Street due to the rise in traffic in this area. The City has a formal review process before additional signals are installed at intersections that are not part of a significant development project. The review follows federal guidelines to ensure traffic regulation uniformity between the states and jurisdictions. Between the first and second quarter of each year, the City conducts a review of traffic signal requests in order to prioritize intersection installations, which are predominately based on traffic flow patterns and counts. One of the most relevant factors considered is traffic count figures. This intersection currently does not meet the criteria needed to install a signal at this time; however, the City will continue to monitor this intersection. This process is in place to ensure that signals are installed at intersections that meet this threshold given the City's limited source of funds. It is estimated that a traffic signal at this location will cost approximately \$120,000.

At this time, the installation of a traffic signal at the intersection of 112th and Alcott Street is not recommended. Staff does not recommend that a traffic signal be considered at this time as this intersection is not considered a high priority for a signal installation. Staff will continue to monitor the intersection as part of the annual priority review. City Council concurred with Staff's recommendation.

16. *Water pressure improvement in South Westminster (Requested on July 26th via e-mail to Mayor McNally)* – Larry George requested that the City investigate the cause and find a cure for a low water pressure issue in his neighborhood. Two years ago this issue was brought to the City's attention and tests indicated that the pressure was at minimum standards, which is 40 PSI. On August 2, Staff responded to Mr. George's e-mail, confirming the low pressure issue, which is due to the neighborhood's elevation relative to the existing pump station location.

Staff had previously identified this low pressure area as a needed improvement and recommends funding \$500,000 for the installation of a small water booster pumping system near Faversham Park. Staff has included funds for this project in the Proposed 2007 Capital Improvement Program ("Zone 14 Pump Station"). City Council concurred with Staff's recommendation.

17. *Speeding Enforcement along Independence Drive (Requested at the September 18 public hearing)* – Vance Pollock requested that the City of Westminster provide a means to reduce the amount of speeding traffic along Independence Drive. Mr. Pollock mentioned that he has brought this issue to the City's attention over the past several years and he does not believe that driver behaviors have changed significantly. As mentioned previously, in 2005 the City hired two additional Accident Investigators and a Traffic Technician in the Police Department as a means to target residential street enforcement and commence an educational partnership with neighborhoods to address traffic issues.

Police records indicate that since the beginning of 2006, working through the Drive Wise Westminster Program, 144 citations have been issued and 14 verbal warnings given to speeders in this neighborhood with over 65 hours spent enforcing traffic laws.

The Proposed 2007-2008 Budgets do not include additional personnel for another Accident Investigator. As mentioned earlier, speeding mitigation devices are currently not being installed due to the moratorium on such devices. Staff recommends that citizens concerned with speeding issues contact the Police Department; the Traffic Technician serves as the point person for traffic complaints, which are analyzed against several criteria to make an informed decision on whether the violations are occurring frequently enough to justify officer presence. As mentioned above, officer presence has been ongoing throughout 2006 and the Police Department will continue to monitor this area. City Council concurred with Staff's recommendation.

18. *Repair/Replace Fence along Sheridan Boulevard between 98th Avenue and 101st Avenue (Requested at the September 18 public hearing)* – John Anthony, representing the Hyland Greens Homeowners Association, requested that the City fund the repair/replacement of a fence that was originally paid for by the City. The estimated cost for the repairs per Mr. Anthony ranges from \$8,000 to \$10,000. He also mentioned that he had previously discussed this issue with Staff in Community Development. Review of records indicates that the fence maintenance and replacement is the responsibility of the property owners and City policy does not encourage public funding of private property responsibilities. The City, as a one-time contribution, paid for the original fence due to the widening of Sheridan Boulevard but the ongoing maintenance and replacement is the responsibility of the property owners and/or the homeowners association.

Staff believes that the maintenance and replacement of the subject fence is the responsibility of the property owners and/or the homeowners association. City Council has been sensitive not to establish a precedent in other areas of the City to fund private improvements with public dollars unless funded by revenues associated with a significant development project adjacent to the properties. For this request, Staff recommends that Council adhere to past practice of not providing funding for this request. City Council concurred with Staff's recommendation.

19. *Reclaimed Water Service along Legacy Ridge Parkway (Requested at the September 18 public hearing)* – Herb Atchison, who lives in the Legacy Ridge subdivision, requested that the City expand the current reclaimed water service along Legacy Ridge Parkway so the homeowners' association may utilize this source of water service to maintain common area grounds. Mr. Atchison noted the growing costs associated with maintaining the City's ODP requirements for landscaping and if reclaimed water was available, irrigation costs would be reduced for the homeowners' association. Reclaimed water rates are 20% lower than potable water costs. He asked that the City continue to fund the reclaimed water system expansion and consider a line down Legacy Ridge Parkway.

Mr. Atchison's neighborhood is considered a potential customer and all potential customers are evaluated on a cost/benefit basis and ranked. Currently, there are no immediate plans to connect this neighborhood to the reclaimed system due to the fact that the connection site would be very complicated and costly because there are multiple meters that would need to be connected in various areas of the subdivision. The City can serve more irrigated acres in other areas of the City by investing less money and has established priorities for expansion. Staff has made efforts to meet with the landscaper for this area to determine if there would be a way to minimize some of the cost of connection, so that it might be reasonable to connect but the landscaper has not responded to phone calls. The other hope for Mr. Atchison's neighborhood is that a development may be going in along Sheridan, just North of their subdivision and the City is working with this new development to get the reclaimed waterline extended. If this happens, it may make it more cost effective to connect Legacy Ridge West. Currently, the estimated cost to run a main through Legacy Ridge Parkway from Sheridan Boulevard is \$840,000; however, this does not include customer connections to the mainline, which may cost approximately \$20-30,000/connection.

Funding for Reclaimed Water Project New Customer Connections (\$165,000 in 2007 and \$100,000 in 2008) and Reclaimed Water Project User Retrofits (\$169,000 in 2007) are included in the Proposed 2007/2008 Budget. While neither of these specifically is for the construction of a reclaimed water line along Legacy Ridge Parkway, it does provide funding for expanding the system throughout the City. Staff will continue to work with the updated Reclaimed Water Master Plan to identify opportunities for maximizing the system, including possibilities in the Legacy Ridge area. Currently, Staff does not recommend expanding reclaimed water service along Legacy Ridge Parkway to serve Mr. Atchison's neighborhood. City Council concurred with Staff's recommendation.

20. *Reconsider Human Services Board Recommendation to Not Fund Access Housing (Requested at the September 18 public hearing)* – Jeremy Pakiser, representing Access Housing, requested that Council reconsider the Human Services Board's (HSB) decision not to provide a grant to Access Housing. He asked that the City Council provide a grant to help fund the agency's mission despite missing a required meeting with the HSB on June 28, 2006. Mr. Pakiser acknowledged that he misplaced the mail correspondence in his office that informed him of the appointment, which resulted in the agency not being considered for funding in 2007. He requested reconsideration given the City's previous funding to the agency and the important mission to provide emergency shelter and affordable transitional housing options to homeless and at-risk families in the community.

Throughout the month of June 2006, the Human Services Board reviewed all requests from organizations that met the criteria to request funding for 2007. A total of 36 applications were reviewed for consideration, of which 33 agencies were allocated grants totaling \$161,000. Since a representative from Access Housing was not present nor was there any notification that a meeting would need to be rescheduled, the HSB did not consider this agency for funding during the allocation process. If Council considers the request from Access Housing in the amount of \$10,000 or some level thereof, funding would need to be reallocated from another HSB agency, or cut from other General Fund expenses.

Access Housing has received funding from the City for more than 10 years, ranging from \$3,000 in 1996 to a high of \$10,000 in 2002. Access Housing was funded \$7,500 in 2006. In previous years, City Council has addressed agencies missing deadlines by either declining funding or funding them at some reduced level.

City Council considered this request for reconsideration and directed Staff to leave the funding levels submitted by the Human Services Board as recommended and made no changes.

21. *Reconsider Human Services Board Recommendation to Not Fund Exempla Hospice (Requested at the September 18 public hearing)* – Pat Archer, representing Exempla Lutheran Hospice, requested that Council reconsider the Human Services Board's (HSB) decision not to provide a grant to Exempla Lutheran Hospice. She asked that the City Council provide a grant to help fund the agency's mission despite missing a required meeting with the HSB on June 28, 2006. Ms. Archer mentioned that due to the opening of a new hospice facility, the agency inadvertently missed the appointment, which resulted in the agency not being considered for funding in 2007 as had been in the past. She requested reconsideration given the City's previous funding to the agency and the important mission to provide hospice services to terminally ill children, adults, and their families who lack the financial resources to afford services.

Throughout the month of June 2006, the Human Services Board reviewed all requests from organizations that met the criteria to request funding for 2007. A total of 36 applications were reviewed for consideration of which 33 agencies were allocated grants totaling \$161,000. Since a representative from Exempla Lutheran Hospice was not present nor was there any notification that a meeting would need to be rescheduled, the Board did not consider this agency for funding during the allocation process. If Council considers the request from Exempla Lutheran Hospice in the amount of \$5,000 or some level thereof, funding would need to be reallocated from another HSB agency, or cut from other General Fund expenses.

Exempla Lutheran Hospice has received funding from the City for more than ten years, ranging from \$3,000 in 2004 to a high of \$10,000 in 2000. Exempla Hospice was funded \$4,000 in 2006. In previous years, City Council has addressed agencies missing deadlines by either declining funding or funding them at some reduced level. Last year, City Council funded an agency that missed their HSB appointment at 50% of the prior year's amount.

City Council considered this request for reconsideration and directed Staff to leave the funding levels submitted by the Human Services Board as recommended and made no changes.

22. *Library Fine Forgiveness Program for Children/Youth (Requested at the September 18 public hearing)* – Marcella Sidars requested that the City consider initiating a library fine forgiveness program that would be available for children and youth to pay outstanding fines if they otherwise cannot afford the fines levied for either over-checked or lost items. Ms. Sidars is a student teacher and conversations with students have led her to believe that some children do not go to the library any more due to outstanding library fines against them.

Library staff mentioned that fines can be an issue for some patrons and have had cases where adults will use their child's card to check out items after they have lost the privilege to use library services due to excessive fines assessed on their account. A significant factor in a patron's run-up of fines generally is due to the \$1/day fee assessed on audio and video items overdue. Staff currently offers families the opportunity to pay outstanding balances on a payment plan in order for them to reactivate the privilege to check-out items.

As a means to address excessive fines outstanding, Staff proposes to initiate a pilot program, which places a greater focus on collecting from patrons with fines under \$25. Previously, the City's collection agency only pursued patrons with fines \$25 or greater. The contract to begin this pilot program is currently being reviewed by City Attorney's Office. The pilot program hopes to collect fines outstanding before they become so significant that the City has little hope in collecting them; thereby, allowing the City to collect a greater proportion of the fines and leading potentially to a reduced fine structure since videos, CDs, DVDs, and other audio media assessed \$1 per each late day. Most of the fines incurred are on these electronic items versus books.

A report of fines owed currently indicates the following:

- Total Fines owed in the amount of \$25 or less = \$218,218, of which \$110,577 (50.7%) is owed by patrons 16 or younger.
- Total fines owed in the amount of \$25 or more = \$539,368, of which \$82,895 (15.4%) is owed by patrons 16 or younger.

Staff does recommend that the libraries initiate its pilot program to pursue collection of fines outstanding less than \$25 as a means to hopefully decrease the number of patrons having excessive fine balances outstanding. City Council concurred with Staff's recommendation.

23. *Traffic Signal at the Intersection of 139th Avenue and Huron Street (Requested on September 18 via e-mail to City Council)* – Bev Wheeler requested that the City install a traffic signal at the intersection of 139th Avenue and Huron Street due to the rise in traffic in this area as a result of commercial and residential development in this area. The City has a formal review process before additional signals are installed at intersections that are not part of a significant development project. The review follows federal guidelines to ensure traffic regulation uniformity between the states and jurisdictions. Between the first and second quarter of each year, the City conducts a review of traffic signal requests in order to prioritize intersection installations, which are predominately based on traffic flow patterns and counts. One of the most relevant factors considered is traffic count figures. This intersection currently does not meet the criteria needed to install a signal at this time; however, the City will continue to monitor this intersection. This process is in place to ensure that signals are installed at intersections that meet this threshold given the City's limited source of funds. It is estimated that a traffic signal at this location will cost approximately \$135,000.

At this time, the installation of a traffic signal at the intersection of 139th and Huron Street is not recommended as this intersection is not considered a high priority for a signal installation. Staff will continue to monitor the intersection as part of the annual priority review. Staff does not recommend that a traffic signal be considered in the Proposed 2007-2008 Budgets, but Staff will continue to monitor the intersection as part of the annual priority review. City Council concurred with Staff's recommendation.

24. *City of Westminster Trash Collection and Recycling Program (Requested on September 18 via e-mail to City Council)* – Bev Wheeler requested that the City consider providing trash and recycling services like some other communities. She noted that other communities provide City trash cans for both trash and recycling and would like for Westminster to consider doing so as well. Ms. Wheeler also felt that this may generate additional revenue.

The City has considered providing City run trash and recycling services and determined the City did not have the upfront funding for the necessary infrastructure for such a program. Thornton is a good example and is similar in size; however, Thornton's target market, single family detached dwellings, is not required to use the City's trash program. Residents have the option to use other companies licensed within the City. The equipment alone for this service is projected to cost \$1.5 million up front. Thornton's operating budget, as an enterprise, is \$3 million and utilizes 21 staff members. Like Thornton, Westminster does not have its own landfill and the large trash companies (the city's competitors) actually own the landfills.

The City encourages recycling efforts by Westminster residents and mandates that all trash collectors offer recycling services; however, residents are not obligated to utilize this service.

In addition, residents have the option to recycle items at five drop off recycling locations: Fire Station Number 1 (3948 W. 73rd Ave); Fire Station Number 4 (4580 W. 112th Ave); Municipal Service Center (6575 W. 88th Ave); Countryside Rec Center (10470 Oak Street); and Municipal Court (3030 Turnpike Dr).

The City encourages recycling efforts by Westminster residents and mandates that all trash collectors offer recycling services; however, residents are not obligated to utilize this service. Staff does not recommend any further action, whether through changes in the City Code or creating a City managed trash/recycling unit. City Council concurred with Staff's recommendation.

25. *Fund Human Services (Requested on September 18 via e-mail to City Council)* – Bev Wheeler requested that the City consider funding for various citizens whom may be in need of assistance such as, low-income and mentally ill residents.

The City currently provides funding to human service agencies annually through the Human Services Board. Agencies that are funded provide basic services, such as food banks, healthcare, and shelter. The Human Services Board is a significant program already in place to help address Ms. Wheeler's request. In 2007 the Human Services Board reviewed 36 applications for grants, of which 33 non-profit agencies were recommended grants totaling \$161,000.

Staff does not recommend any additional funding outside of Human Services Board's commitment recommended for 2007. City Council concurred with Staff's recommendation.

26. *Use of General Reserve Fund (Requested on September 18 via e-mail to City Council)* – Bev Wheeler requested that the City consider utilizing the General Reserve Fund to purchase additional "Patrol Cars," or "Traffic Lights of Extreme Emergency," and to "assist the low-income citizens." The City's General Reserve Fund is intended to act as a source of funds for unanticipated one-time expenditures and for emergencies. The identified requests do not meet this criteria.

Staff does not recommend the use of the General Reserve Fund for any of these items noted as the fund is designed to meet emergency funding needs on what are normal operating expense needs that are funded by ongoing revenue sources. The City already sets aside funds for traffic signals in a Capital Improvement Program project account and funding for patrol cars is budgeted in the General Capital Outlay Replacement Fund. Funding for human services comes from the Human Services Board allocation budgeted within the Central Charges budget of the General Fund. City Council concurred with Staff's recommendation.

Miscellaneous Council Topics: At the September 23 Budget Retreat, City Council discussed a various budget issues. The following item required follow up per Council direction:

- *Combined July 4th and Westminster Faire event* – City Council discussed Staff's proposal to merge these two annual events into one combined event to help save direct costs associated with rentals and musicians and indirect costs associated with staff regular and overtime salaries. However, when comparing the direct cost savings against the community good will produced by this event, Council expressed concern about proceeding with a combined event. Based on this feedback, Staff recommends leaving the event as is but possibly looking for a later date in the fall instead of early August to possibly help boost attendance and participation on the Westminster Faire. Staff will continue to work on options associated with increasing attendance and participation but plan to host two separate events.

Other follow up, such as continued discussions on changing the School Resource Officer program associated with middle schools and the 80th Avenue and Federal project scope and impact, will be submitted to City Council in the coming months as more information becomes available.

Per the City Charter, the proposed budget resolution must be submitted to City Council for consideration by the second Monday in October but it must be adopted by the fourth Monday in October. Staff recommends adoption of the resolution and its attachments. In addition, an ordinance that officially appropriates the funds per accounting procedures is attached; Staff also recommends the approval of this ordinance on first reading.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments - Budget Figures Budget Message

RESOLUTION

RESOLUTION NO. 55

INTRODUCED BY COUNCILLORS

SERIES OF 2006

A RESOLUTION OF THE CITY OF WESTMINSTER, COLORADO, SETTING THE 2006 MILL LEVY COLLECTIBLE IN 2007 AND THE 2007 MILL LEVY COLLECTIBLE IN 2008, ADOPTING THE BUDGET AND FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM FOR THE FISCAL YEARS 2007 AND 2008.

WHEREAS, In accordance with Section 9.2 of the City Charter, the City Manager has prepared and submitted to the City Council a proposed budget for the fiscal year 2007 and 2008; and

WHEREAS, On September 18, 2006, a public hearing on the proposed 2007 and 2008 budgets was held by the City Council pursuant to Section 9.4 of the City Charter.

NOW THEREFORE, be it resolved, by the City Council of the City of Westminster, Colorado that there is hereby levied for the 2006 year and the 2007 year upon all taxable property within the City of Westminster, taxes in the amount of three and sixty-five hundredths (3.65) mills per dollar of assessed valuation in Adams and Jefferson Counties, which shall be paid into the General Fund of the City; and

NOW, THEREFORE, be it resolved by the City Council of the City of Westminster, Colorado that the annual budgets of the City of Westminster for the fiscal year beginning January 1, 2007, and fiscal year beginning January 1, 2008, which have been submitted by the City Manager are hereby adopted according to the attached exhibits:

FUND	EXHIBITS
General	A
Utility Enterprise	B
General Capital Improvement	C
Sales & Use Tax	D
Parks Open Space & Trails Sales and Use Tax	E
Fleet Maintenance	F
Golf Course Enterprise	G
Human Service Agency Funding	H
Five-Year Capital Improvement Program	I
Staffing Summary	J
General Reserves	K
Utility Reserves	K
Debt Service	L
Proposed New Staff 2007-2008	M
General Capital Outlay Replacement Fund	N

Be it further resolved, that the annual budget of the City of Westminster for fiscal year 2007 beginning January 1, 2007 and annual budget for the fiscal year 2008 beginning January 1, 2008, shall be established with the following totals:

BEGINNING BALANCE OF FUNDS:	2007 PROPOSED (1/1/07)	2008 PROPOSED (1/1/08)
Utility Enterprise Fund	\$3,746,016	\$3,746,016
General Reserve Fund	8,725,807	9,096,654
Utility Reserve Fund	35,584,367	32,699,749
General Debt Service Fund	<u>20,942</u>	<u>0</u>
TOTAL Fund Balance	\$48,077,132	\$45,542,419
REVENUES:	2007 PROJECTED	2008 PROJECTED
General Fund	\$89,302,120	\$91,669,769
Utility Enterprise Fund	53,056,737	57,033,549

	2007 PROJECTED	2008 PROJECTED
Fleet Maintenance Fund	2,113,926	2,286,195
General Capital Outlay Replacement Fund	1,045,872	1,107,178
Sales & Use Tax Fund	61,645,254	63,228,969
General Capital Improvement Fund	8,145,000	8,434,000
General Reserve Fund	370,847	391,156
Utility Reserve Fund	1,240,976	1,050,527
Conservation Trust Fund	625,000	625,000
Parks Open Space & Trails Fund	4,958,779	5,336,876
General Debt Service Fund	8,202,793	7,855,292
Golf Course Fund	<u>3,637,034</u>	<u>3,693,251</u>
TOTAL Revenues	\$234,344,338	\$242,711,762
Total Fund Balance	<u>48,077,132</u>	<u>45,542,419</u>
Total Funds Available	282,421,470	\$288,254,181
Less Transfers	<u>(75,776,333)</u>	<u>(79,400,086)</u>
Grand Total Revenues	\$206,645,137	\$208,854,095
EXPENDITURES	2007 PROPOSED	2008 PROPOSED
General Fund	\$88,302,120	\$90,669,769
Utility Fund	53,056,737	56,955,607
Fleet Maintenance Fund	2,113,926	2,286,195
General Capital Outlay Replacement Fund	1,045,872	1,107,178
Sales & Use Tax Fund	61,645,254	63,228,969
General Capital Improvement Fund	8,145,000	8,434,000
General Reserve Fund	0	0
Utility Reserve Fund	4,125,594	5,893,222
Conservation Trust Fund	625,000	625,000
Parks Open Space & Trails Fund	4,958,779	5,336,876
General Debt Service Fund	8,223,735	7,806,660
Golf Course Fund	<u>3,637,034</u>	<u>3,693,251</u>
TOTAL	\$235,879,051	\$246,036,727
Less Transfers	<u>(75,776,333)</u>	<u>(79,400,086)</u>
TOTAL Expenditures	\$160,102,718	\$166,636,641
Total Contingencies	<u>1,000,000</u>	<u>1,000,000</u>
GRAND TOTAL	\$161,102,718	\$167,636,641
ENDING BALANCE OF FUNDS:	2007 PROPOSED (12/31/07)	2008 PROPOSED (12/31/08)
Utility Enterprise Fund	\$3,746,016	\$3,823,958
General Reserve Fund	9,096,654	9,487,810
Utility Reserve Fund	32,699,749	27,857,054
General Debt Service Fund	<u>0</u>	<u>48,632</u>
TOTAL Fund Balance	\$45,542,419	\$41,217,454

PASSED AND ADOPTED this 9th day of October, 2006.

ATTEST:

Mayor

City Clerk

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **59**

SERIES OF 2006

INTRODUCED BY COUNCILLORS

**A BILL
FOR AN ORDINANCE MAKING APPROPRIATIONS TO PAY THE EXPENSE OF
CONTINUING THE PUBLIC BUSINESS FOR THE YEAR 2007 AND 2008 AND OTHER
PURPOSES REQUIRED BY THE CHARTER AND BY ANY OTHER LAW**

THE CITY OF WESTMINSTER ORDAINS:

Section 1: Carryover as of December 31, along with revenue for the calendar and fiscal year are combined and reflected as the total in each of the following funds:

NON-EMERGENCY RESERVE AND NEW REVENUE

	Fiscal Year 2007	Fiscal Year 2008
a. General Fund	\$89,302,120	\$91,669,769
b. Utility Fund	53,056,737	56,955,607
c. General Capital Improvement Fund	8,145,000	8,434,000
d. Fleet Maintenance Fund	2,113,926	2,286,195
e. General Capital Outlay Replacement Fund	1,045,872	1,107,178
f. General Debt Service Fund	8,223,735	7,806,660
g. Conservation Trust Fund	625,000	625,000
h. Sales and Use Tax Fund	61,645,254	63,228,969
i. Parks Open Space & Trails Fund	4,958,779	5,336,876
j. General Reserve Fund	0	0
k. Utility Reserve Fund	4,125,594	5,893,222
l. Golf Course Fund	<u>3,637,034</u>	<u>3,693,251</u>
Total Funds Available	\$236,879,051	\$246,036,727
Less Transfers	<u>-75,776,333</u>	<u>-79,400,086</u>
 GRAND TOTAL	 \$161,102,718	 \$167,636,641

Section 2: The following amounts are hereby appropriated for expenditure by fund to be expended by the City Manager in accordance with the City Charter.

	Fiscal Year 2007	Fiscal Year 2008
a. General Fund	\$89,302,120	\$91,669,769
b. Utility Fund	53,056,737	56,955,607
c. General Capital Improvement Fund	8,145,000	8,434,000
d. Fleet Maintenance Fund	2,113,926	2,286,195
e. General Capital Outlay Replacement Fund	1,045,872	1,107,178
f. General Debt Service Fund	8,223,735	7,806,660
g. Conservation Trust Fund	625,000	625,000
h. Sales and Use Tax Fund	61,645,254	63,228,969
i. Parks Open Space & Trails Fund	4,958,779	5,336,876
j. General Reserve Fund	0	0
k. Utility Reserve Fund	4,125,594	5,893,222
l. Golf Course Fund	<u>3,637,034</u>	<u>3,693,251</u>
Total Funds Available	\$236,879,051	\$246,036,727
Less Transfers	<u>-75,776,333</u>	<u>-79,400,086</u>
 GRAND TOTAL	 \$161,102,718	 \$167,636,641

Section 3. This ordinance shall become effective January 1, 2007.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED
PUBLISHED this 9th day of October, 2006.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED
this 23rd day of October, 2006.

ATTEST:

Mayor

City Clerk

GENERAL FUND REVENUES

Source	2006 Revised Budget	2006 Actual (9/1/06)	2006 Estimated	2007 Projected	07 Proj/ 06 Est	2008 Projected	08 Proj/ 07 Proj
Property Tax							
Property Tax Adams	\$2,247,834	\$2,213,446	\$2,250,752	\$2,295,767	2.0%	\$2,380,710	3.7%
Property Tax Jeffco	\$1,889,291	\$1,863,949	\$1,880,808	\$1,909,020	1.5%	\$1,975,836	3.5%
<i>Total</i>	\$4,137,125	\$4,077,395	\$4,131,560	\$4,204,787	1.8%	\$4,356,546	3.6%
Business Tax							
Public Service Co	\$2,500,000	\$1,785,591	\$2,971,995	\$3,061,154	3.0%	\$3,152,989	3.0%
Qwest/US West Comm	\$185,000	\$107,045	\$155,000	\$160,000	3.2%	\$165,000	3.1%
New Franchise Fees	\$5,000	\$2,403	\$4,000	\$4,500	12.5%	\$4,500	0.0%
AT&T Cable	\$775,000	\$456,472	\$853,000	\$865,000	1.4%	\$868,000	0.3%
<i>Total</i>	\$3,465,000	\$2,351,511	\$3,983,995	\$4,090,654	2.7%	\$4,190,489	2.4%
Admissions Tax							
Movie Theaters	\$475,000	\$239,027	\$360,000	\$400,000	11.1%	\$410,000	2.5%
Bowling Alleys	\$50,000	\$49,848	\$75,000	\$77,000	2.7%	\$78,000	1.3%
Butterfly Pavillion	\$22,000	\$22,252	\$25,000	\$25,000	0.0%	\$25,000	0.0%
Cover Charges	\$4,000	\$1,675	\$3,500	\$4,000	14.3%	\$4,000	0.0%
<i>Total</i>	\$551,000	\$312,802	\$463,500	\$506,000	9.2%	\$517,000	2.2%
License Revenue							
Contractors	\$75,000	\$51,250	\$75,000	\$75,000	0.0%	\$75,000	0.0%
Beer & Liquor	\$65,000	\$45,526	\$65,000	\$70,000	7.7%	\$72,000	2.9%
Other Licenses	\$55,000	\$39,810	\$45,000	\$45,000	0.0%	\$45,000	0.0%
<i>Total</i>	\$195,000	\$136,586	\$185,000	\$190,000	2.7%	\$192,000	1.1%
Building Permit Revenue							
Adams County Commercial	\$368,000	\$435,372	\$700,000	\$400,000	-42.9%	\$400,000	0.0%
Jefferson County Commercial	\$275,000	\$281,362	\$300,000	\$250,000	-16.7%	\$200,000	-20.0%
Adams County Residential	\$800,000	\$562,619	\$800,000	\$700,000	-12.5%	\$650,000	-7.1%
Jefferson County Residential	\$200,000	\$145,840	\$150,000	\$135,000	-10.0%	\$130,000	-3.7%
<i>Total</i>	\$1,643,000	\$1,425,193	\$1,950,000	\$1,485,000	-23.8%	\$1,380,000	-7.1%
Intergovernmental Revenue							
Cigarette Tax	\$250,000	\$144,196	\$270,000	\$275,000	1.9%	\$275,000	0.0%
Vehicle/Highway Taxes:							
HUTF	\$2,850,000	\$1,603,155	\$2,613,000	\$2,610,000	-0.1%	\$2,630,000	0.8%
Ownership Adams	\$240,000	\$131,959	\$230,000	\$235,000	2.2%	\$240,000	2.1%
Ownership Jeffco	\$200,000	\$102,504	\$190,000	\$195,000	2.6%	\$200,000	2.6%
Vehicle Reg Adams	\$180,000	\$107,288	\$190,000	\$195,000	2.6%	\$200,000	2.6%
Vehicle Reg Jeffco	\$145,000	\$83,224	\$152,000	\$155,000	2.0%	\$158,000	1.9%

Source	2006 Revised Budget	2006 Actual (9/1/06)	2006 Estimated	2007 Projected	07 Proj/ 06 Est	2008 Projected	08 Proj/ 07 Proj
Road/Bridge Adams	\$360,000	\$505,170	\$390,000	\$393,000	0.8%	\$396,000	0.8%
Road/Bridge Jeffco	\$610,000	\$552,243	\$625,000	\$630,000	0.8%	\$634,000	0.6%
<i>Subtotal</i>	<i>\$4,585,000</i>	<i>\$3,085,543</i>	<i>\$4,390,000</i>	<i>\$4,413,000</i>	<i>0.5%</i>	<i>\$4,458,000</i>	<i>1.0%</i>
State/Federal Grants:							
Federal Grants	\$0	\$25,766	\$162,000	\$33,000	-79.6%	\$23,000	-30.3%
CDOT Signal Reimb	\$24,000	\$38,684	\$17,500	\$19,500	11.4%	\$21,500	10.3%
<i>Subtotal</i>	<i>\$24,000</i>	<i>\$64,450</i>	<i>\$179,500</i>	<i>\$52,500</i>	<i>-70.8%</i>	<i>\$44,500</i>	<i>-15.2%</i>
<i>Total</i>	<i>\$4,859,000</i>	<i>\$3,294,189</i>	<i>\$4,839,500</i>	<i>\$4,740,500</i>	<i>-2.0%</i>	<i>\$4,777,500</i>	<i>0.8%</i>
Recreation Charges							
Swim Fitness Center	\$375,000	\$339,356	\$435,000	\$440,000	1.1%	\$445,000	1.1%
Ice Center Joint Venture	\$1,200,000	\$674,471	\$1,034,563	\$1,034,323	0.0%	\$1,034,893	0.1%
Countryside Pool	\$57,000	\$54,787	\$61,000	\$65,000	6.6%	\$70,000	7.7%
Kings Mill Pool	\$17,000	\$13,694	\$18,500	\$19,000	2.7%	\$20,000	5.3%
Standley Lake	\$385,000	\$393,655	\$409,302	\$549,791	34.3%	\$589,806	7.3%
General Recreation/Programs	\$960,000	\$899,566	\$1,111,167	\$1,133,390	2.0%	\$1,156,058	2.0%
Westminster Sports Center	\$60,000	\$42,060	\$60,000	\$61,000	1.7%	\$61,000	0.0%
City Park Rec Center	\$940,000	\$694,122	\$935,000	\$960,000	2.7%	\$975,000	1.6%
City Park Fitness Center	\$710,000	\$459,088	\$690,000	\$703,800	2.0%	\$717,876	2.0%
West View Recreation Center	\$375,000	\$343,336	\$405,000	\$418,000	3.2%	\$430,000	2.9%
Park Rentals	\$18,000	\$29,610	\$26,500	\$27,000	1.9%	\$27,500	1.9%
Senior Center	\$227,515	\$133,298	\$196,110	\$200,032	2.0%	\$204,033	2.0%
<i>Total</i>	<i>\$5,324,515</i>	<i>\$4,077,043</i>	<i>\$5,382,142</i>	<i>\$5,611,336</i>	<i>4.3%</i>	<i>\$5,731,166</i>	<i>2.1%</i>
Fines & Forfeitures							
Court Fines	\$1,900,000	\$1,584,712	\$2,050,000	\$2,101,250	2.5%	\$2,143,275	2.0%
Library Fines	\$150,000	\$141,967	\$210,000	\$210,000	0.0%	\$210,000	0.0%
<i>Total</i>	<i>\$2,050,000</i>	<i>\$1,726,679</i>	<i>\$2,260,000</i>	<i>\$2,311,250</i>	<i>2.3%</i>	<i>\$2,353,275</i>	<i>1.8%</i>
Interest Income	\$300,000	\$297,960	\$325,000	\$360,000	10.8%	\$360,000	0.0%
Total Reimbursement	\$60,000	\$0	\$50,000	\$55,000	10.0%	\$55,000	0.0%
General Miscellaneous							
EMS Billings	\$1,765,000	\$1,163,375	\$1,878,213	\$2,028,214	8.0%	\$2,062,693	1.7%
Concrete Program	\$155,000	\$116,411	\$168,500	\$0	-100.0%	\$0	N/A
Infrastructure Fee	\$0	\$0	\$0	\$1,087,456	N/A	\$1,087,456	0.0%
Large Item Cleanup Fee	\$0	\$0	\$0	\$70,000	N/A	\$70,000	0.0%
Promenade CAM Billings	\$400,000	\$282,981	\$411,426	\$419,655	2.0%	\$428,048	2.0%
Housing Authority Billings	\$70,000	\$0	\$70,000	\$70,000	0.0%	\$70,000	0.0%
Conf Ctr Lease Payments	\$1,000,000	\$500,000	\$1,000,000	\$1,150,000	15.0%	\$1,250,000	8.7%

Source	2006 Revised Budget	2006 Actual (9/1/06)	2006 Estimated	2007 Projected	07 Proj/ 06 Est	2008 Projected	08 Proj/ 07 Proj
Lakeview Pavillion Lease	\$175,000	\$87,500	\$175,000	\$175,000	0.0%	\$175,000	0.0%
Pension Fund Admin Fee	\$135,000	\$90,000	\$135,000	\$135,000	0.0%	\$135,000	0.0%
Recording & Filing	\$75,000	\$121,627	\$179,556	\$183,147	2.0%	\$186,810	2.0%
Sale of Assets	\$50,000	\$0	\$30,000	\$30,000	0.0%	\$30,600	2.0%
Weed Cutting	\$6,500	\$1,184	\$6,500	\$5,000	-23.1%	\$5,000	0.0%
Miscellaneous	\$200,685	\$425,256	\$305,000	\$331,012	8.5%	\$321,013	-3.0%
Off Duty Police Reimbursements	\$185,000	\$98,998	\$185,000	\$150,000	-18.9%	\$150,000	0.0%
Westminster Faire	\$20,000	\$19,460	\$22,000	\$22,000	0.0%	\$23,500	6.8%
Elevator Inspection Fees	\$25,000	\$19,050	\$30,000	\$30,600	2.0%	\$31,212	2.0%
Street Cut Impact Fee	\$200,000	\$138,353	\$200,000	\$190,000	-5.0%	\$180,000	-5.3%
Thornton Reimbursement	\$0	\$0	\$0	\$1,076,133	N/A	\$1,372,250	27.5%
GID Admin Fee	\$75,000	\$0	\$82,650	\$52,650	-36.3%	\$52,650	0.0%
SRO Reimbursement	\$0	\$0	\$8,022	\$32,088	300.0%	\$32,088	0.0%
Rentals	\$0	\$0	\$0	\$239,170	N/A	\$287,004	20.0%
PD Training Reimb	\$15,000	\$10,265	\$15,000	\$16,000	6.7%	\$17,000	6.3%
<i>Total</i>	\$4,552,185	\$3,074,460	\$4,901,867	\$7,493,125	52.9%	\$7,967,324	6.3%
Contributions	\$5,000	\$0	\$5,000	\$5,000	0.0%	\$5,000	0.0%
Refunds	-\$70,000	\$0	\$0	\$0	N/A	\$0	N/A
Transfer Payments							
From Utility Fund	\$2,467,586	\$1,645,057	\$2,467,586	\$2,489,214	0.9%	\$2,540,500	2.1%
From Sales & Use	\$55,756,916	\$37,171,277	\$55,756,916	\$55,760,254	0.0%	\$57,243,969	2.7%
<i>Total</i>	\$58,224,502	\$38,816,334	\$58,224,502	\$58,249,468	0.0%	\$59,784,469	2.6%
Total General Fund	\$85,296,327	\$59,590,152	\$86,702,066	\$89,302,120	3.0%	\$91,669,769	2.7%
Carryover	\$7,439,910	\$0	\$7,439,910	\$0	N/A	\$0	N/A
Total Funds Available	\$92,736,237	\$59,590,152	\$94,141,976	\$89,302,120	-5.1%	\$91,669,769	2.7%

GENERAL FUND EXPENDITURES

Activity	2006 Adjusted	2006 Actual (9/1/06)	2006 Estimated	2007 Proposed	07 Prop/ 06 Est	2008 Proposed	08 Prop/ 07 Prop
City Council	\$205,023	\$114,547	\$196,718	\$205,023	4.2%	\$206,348	0.6%
City Attorney's Office	\$910,716	\$571,309	\$910,835	\$1,064,790	16.9%	\$1,065,807	0.1%
City Manager's Office	\$1,110,469	\$633,453	\$1,012,906	\$1,121,996	10.8%	\$1,126,326	0.4%
Central Charges	\$19,828,353	\$19,341,585	\$19,341,585	\$21,268,702	10.0%	\$23,363,038	9.8%
General Services							
Administration	\$621,232	\$330,114	\$545,965	\$567,740	4.0%	\$568,169	0.1%
Human Resources	\$1,323,941	\$755,527	\$1,323,401	\$1,321,932	-0.1%	\$1,321,932	0.0%
City Clerk's Office	\$372,030	\$236,470	\$372,607	\$383,142	2.8%	\$383,702	0.1%
Municipal Court	\$1,305,107	\$794,432	\$1,274,261	\$1,346,686	5.7%	\$1,378,034	2.3%
Building Operations & Maint.	\$1,351,766	\$767,678	\$1,322,519	\$1,410,927	6.7%	\$1,426,355	1.1%
Subtotal	\$4,974,076	\$2,884,221	\$4,838,753	\$5,030,427	4.0%	\$5,078,192	0.9%
Finance							
Administration	\$329,873	\$198,737	\$329,345	\$333,371	1.2%	\$333,362	0.0%
Accounting	\$677,167	\$392,161	\$676,248	\$678,489	0.3%	\$679,489	0.1%
Treasury/Utility Billing	\$287,625	\$181,606	\$284,743	\$290,088	1.9%	\$289,705	-0.1%
Sales Tax	\$426,954	\$255,446	\$426,954	\$504,726	18.2%	\$503,648	-0.2%
Subtotal	\$1,721,619	\$1,027,950	\$1,717,290	\$1,806,674	5.2%	\$1,806,204	0.0%
Police							
Administration	\$893,774	\$553,988	\$798,521	\$835,528	4.6%	\$738,323	-11.6%
Investigation & Tech Services	\$8,146,528	\$5,184,338	\$8,125,153	\$8,481,990	4.4%	\$8,533,663	0.6%
Patrol, Traffic & Spec Ops	\$10,305,923	\$6,396,848	\$9,886,439	\$10,435,330	5.6%	\$10,537,739	1.0%
Subtotal	\$19,346,225	\$12,135,174	\$18,810,113	\$19,752,848	5.0%	\$19,809,725	0.3%
Fire							
Emergency Services	\$10,136,213	\$6,325,167	\$9,850,489	\$10,648,095	8.1%	\$10,691,821	0.4%
Subtotal	\$10,136,213	\$6,325,167	\$9,850,489	\$10,648,095	8.1%	\$10,691,821	0.4%
Subtotal Public Safety	\$29,482,438	\$18,460,341	\$28,660,602	\$30,400,943	6.1%	\$30,501,546	0.3%
Community Development							
Administration	\$531,389	\$312,470	\$490,298	\$545,013	11.2%	\$562,047	3.1%
Economic Development	\$398,348	\$216,470	\$364,723	\$379,047	3.9%	\$379,048	0.0%
Planning	\$956,940	\$591,030	\$933,844	\$940,297	0.7%	\$940,390	0.0%
Building	\$1,242,988	\$894,760	\$1,381,702	\$1,232,950	-10.8%	\$1,234,538	0.1%
Engineering	\$1,512,125	\$891,331	\$1,469,270	\$1,497,064	1.9%	\$1,454,599	-2.8%
Subtotal	\$4,641,790	\$2,906,061	\$4,639,837	\$4,594,371	-1.0%	\$4,570,622	-0.5%

Activity	2006 Adjusted	2006 Actual (9/1/06)	2006 Estimated	2007 Proposed	07 Prop/ 06 Est	2008 08 Prop/ Proposed	07 Prop
Public Works & Utilities							
Street Maintenance	\$7,400,025	\$4,188,754	\$7,185,141	\$7,418,362	3.2%	\$7,209,602	-2.8%
<i>Subtotal</i>	<i>\$7,400,025</i>	<i>\$4,188,754</i>	<i>\$7,185,141</i>	<i>\$7,418,362</i>	<i>3.2%</i>	<i>\$7,209,602</i>	<i>-2.8%</i>
Parks, Recreation and Libraries							
Administration	\$946,528	\$485,984	\$766,732	\$799,098	4.2%	\$799,275	0.0%
Park Services	\$3,686,614	\$2,595,726	\$3,771,836	\$3,970,896	5.3%	\$4,122,730	3.8%
Library Services	\$2,530,948	\$1,585,570	\$2,657,871	\$2,623,922	-1.3%	\$2,668,177	1.7%
Standley Lake	\$397,325	\$228,683	\$386,516	\$430,791	11.5%	\$434,806	0.9%
Design Development	\$463,003	\$292,833	\$461,893	\$469,839	1.7%	\$475,239	1.1%
Recreation Facilities	\$3,698,555	\$2,379,782	\$3,197,980	\$3,815,428	19.3%	\$3,873,453	1.5%
Recreation Programs	\$1,688,317	\$1,182,483	\$1,803,145	\$1,758,009	-2.5%	\$1,794,407	2.1%
<i>Subtotal</i>	<i>\$13,411,290</i>	<i>\$8,751,061</i>	<i>\$13,045,973</i>	<i>\$13,867,983</i>	<i>6.3%</i>	<i>\$14,168,087</i>	<i>2.2%</i>
Subtotal Operating	\$83,685,799	\$58,879,282	\$81,549,640	\$86,779,271	6.4%	\$89,095,772	2.7%
Transfer Payments							
To Property/Liability Self Insured	\$692,675	\$461,783	\$692,675	\$695,840	0.5%	\$703,908	1.2%
To Workers Compensation	\$708,009	\$472,006	\$708,009	\$708,009	0.0%	\$715,089	1.0%
To Capital Projects	\$5,610,977	\$5,610,977	\$5,610,977	\$119,000	-97.9%	\$155,000	30.3%
To Legacy Ridge	\$228,322	\$228,322	\$228,322	\$0	-100.0%	\$0	N/A
To Heritage	\$521,678	\$521,678	\$521,678	\$0	-100.0%	\$0	N/A
To Fleet Maintenance	\$284,200	\$189,467	\$284,200	\$0	-100.0%	\$0	N/A
To GCORF	\$197,411	\$197,411	\$197,411	\$0	-100.0%	\$0	N/A
<i>Subtotal</i>	<i>\$8,243,272</i>	<i>\$7,681,644</i>	<i>\$8,243,272</i>	<i>\$1,522,849</i>	<i>-81.5%</i>	<i>\$1,573,997</i>	<i>3.4%</i>
Subtotal General Fund (including transfers)	\$91,929,071	\$66,560,926	\$89,792,912	\$88,302,120	-1.7%	\$90,669,769	2.7%
Contingency	\$933,448	\$0	\$933,448	\$1,000,000	N/A	\$1,000,000	0.0%
TOTAL GENERAL FD EXP	\$92,862,519	\$66,560,926	\$90,726,360	\$89,302,120	-1.6%	\$91,669,769	2.7%
Less: CIP Transfers	\$5,610,977	\$5,610,977	\$5,610,977	\$119,000	-97.9%	\$155,000	30.3%
TOTAL GF OPERATING EXP	\$87,251,542	\$60,949,949	\$85,115,383	\$89,183,120	4.8%	\$91,514,769	2.6%

UTILITY FUND REVENUES

Source	2006 Revised Budget	2006 Actual (9/1/06)	2006 Estimated	2007 Projected	07 Proj/ 06 Est	2008 Projected	08 Proj/ 07 Proj
WATER REVENUES							
Contractor's License	\$75,000	\$61,440	\$95,000	\$75,000	-21.1%	\$70,000	-6.7%
Interest Income	\$875,000	\$1,043,991	\$875,000	\$875,000	0.0%	\$617,691	-29.4%
Miscellaneous Income	\$300,000	\$4,389,933	\$300,000	\$300,000	0.0%	\$300,000	0.0%
Water Sales							
Residential	\$9,975,000	\$10,426,337	\$10,638,810	\$10,650,969	0.1%	\$11,049,315	3.7%
Commercial	\$9,345,000	\$5,295,493	\$10,656,956	\$10,872,125	2.0%	\$11,496,185	5.7%
Wholesale	\$1,104,840	\$909,213	\$1,018,611	\$1,044,905	2.6%	\$1,073,535	2.7%
Water Reclamation	\$400,000	-\$3,935	\$571,732	\$577,831	1.1%	\$605,220	4.7%
Meter Service Fee	\$2,377,552	\$1,589,550	\$2,412,369	\$2,438,100	1.1%	\$2,553,666	4.7%
<i>Total</i>	\$23,202,392	\$18,216,658	\$25,298,478	\$25,583,930	1.1%	\$26,777,921	4.7%
Water Tap Fees							
Residential	\$3,700,000	\$1,748,959	\$4,521,267	\$4,300,000	-4.9%	\$4,500,000	4.7%
Commercial	\$1,500,000	\$3,779,355	\$5,053,894	\$3,500,000	-30.7%	\$3,000,000	-14.3%
<i>Total</i>	\$5,200,000	\$5,528,314	\$9,575,161	\$7,800,000	-18.5%	\$7,500,000	-3.8%
Total Water Revenue	\$29,652,392	\$29,240,336	\$36,143,639	\$34,633,930	-4.2%	\$35,265,612	1.8%
WASTEWATER REVENUES							
Interest Income	\$650,000	\$728,420	\$650,000	\$700,000	7.7%	\$538,193	-23.1%
Miscellaneous	\$10,000	\$21	\$10,000	\$10,000	0.0%	\$10,000	0.0%
Wastewater Sales							
Residential	\$5,393,618	\$5,172,460	\$5,554,551	\$6,153,570	10.8%	\$6,615,088	7.5%
Commercial	\$4,515,213	\$1,135,158	\$3,670,712	\$4,138,548	12.7%	\$4,448,939	7.5%
<i>Total</i>	\$9,908,831	\$6,307,618	\$9,225,263	\$10,292,118	11.6%	\$11,064,027	7.5%
Wastewater Tap Fees							
Residential	\$1,400,000	\$541,915	\$1,296,956	\$1,361,804	5.0%	\$1,389,040	2.0%
Commercial	\$550,000	\$1,082,135	\$964,944	\$1,013,191	5.0%	\$1,033,455	2.0%
<i>Total</i>	\$1,950,000	\$1,624,050	\$2,261,900	\$2,374,995	5.0%	\$2,422,495	2.0%
Total Wastewater Revenue	\$12,518,831	\$8,660,109	\$12,147,163	\$13,377,113	10.1%	\$14,034,715	4.9%
Total W/WW Revenue, excluding tap fees	\$35,021,223	\$30,748,081	\$36,453,741	\$37,836,048	3.8%	\$39,377,832	4.1%

Source	2006 Revised Budget	2006 Actual (9/1/06)	2006 Estimated	2007 Projected	07 Proj/ 06 Est	2008 Projected	08 Proj/ 07 Proj
Water Tap Fee Income	\$5,200,000	\$5,528,314	\$9,575,161	\$7,800,000	-18.5%	\$7,500,000	-3.8%
Wastewater Tap Fee Income	\$1,950,000	\$1,624,050	\$2,261,900	\$2,374,995	5.0%	\$2,422,495	2.0%
<i>Tap Fees Total</i>	<i>\$7,150,000</i>	<i>\$7,152,364</i>	<i>\$11,837,061</i>	<i>\$10,174,995</i>	<i>-14.0%</i>	<i>\$9,922,495</i>	<i>-2.5%</i>
Carryover Water	\$12,554,503	\$0	\$12,554,503	\$0	N/A	\$0	N/A
Carryover Wastewater	\$145,765	\$0	\$145,765	\$0	N/A	\$0	N/A
<i>Carryover Total</i>	<i>\$12,700,268</i>	<i>\$0</i>	<i>\$12,700,268</i>	<i>\$0</i>	<i>N/A</i>	<i>\$0</i>	<i>N/A</i>
Trsfr-Cap Proj Reserve to WFd	\$0	\$0	\$0	\$3,792,030	N/A	\$4,839,040	27.6%
Trsfr-Cap Proj Reserve to WW Fd	\$0	\$0	\$0	\$333,564	N/A	\$1,054,182	216.0%
<i>Capital Project Reserve Total</i>	<i>\$0</i>	<i>\$0</i>	<i>\$0</i>	<i>\$4,125,594</i>	<i>N/A</i>	<i>\$5,893,222</i>	<i>42.8%</i>
Total Water/Wastewater Revenue	\$54,871,491	\$37,900,445	\$60,991,070	\$52,136,637	-14.5%	\$55,193,549	5.9%
STORMWATER DRAINAGE REVENUES							
Stormwater Fee	\$900,000	\$672,703	\$918,500	\$920,100	0.2%	\$1,840,000	100.0%
<i>Total</i>	<i>\$900,000</i>	<i>\$672,703</i>	<i>\$918,500</i>	<i>\$920,100</i>	<i>0.2%</i>	<i>\$1,840,000</i>	<i>100.0%</i>
Carryover Stormwater	\$174,377	\$0	\$174,377	\$0	N/A	\$0	N/A
Total Stormwater Revenue	\$1,074,377	\$672,703	\$1,092,877	\$920,100	-15.8%	\$1,840,000	100.0%
TOTAL Utility Funds Available	\$55,945,868	\$38,573,148	\$62,083,947	\$53,056,737	-14.5%	\$57,033,549	7.5%

UTILITY ENTERPRISE FUND EXPENDITURES

Activity	2006 Adjusted	2006 Actual (9/1/06)	2006 Estimated	2007 07 Prop/ Proposed	06 Est	2008 08 Prop/ Proposed	07 Prop
Water Department Expenses							
Finance							
Utility Billing	\$566,598	\$330,754	\$566,548	\$629,473	11.1%	\$651,201	3.5%
<i>Subtotal</i>	<i>\$566,598</i>	<i>\$330,754</i>	<i>\$566,548</i>	<i>\$629,473</i>	<i>10.0%</i>	<i>\$651,201</i>	<i>3.5%</i>
Information Technology	\$2,545,499	\$1,517,045	\$2,545,499	\$2,634,909	3.5%	\$2,632,481	-0.1%
Public Works & Utilities							
Administration	\$319,549	\$232,970	\$318,811	\$293,137	-8.1%	\$276,358	-5.7%
Capital Projects & Budget	\$293,441	\$183,021	\$290,416	\$646,360	122.6%	\$652,172	0.9%
Water Resources & Treatment	\$7,048,002	\$4,064,672	\$6,633,045	\$7,122,514	7.4%	\$7,172,174	0.7%
Utilities	\$4,719,392	\$2,324,233	\$4,591,280	\$4,201,588	-8.5%	\$4,377,295	4.2%
<i>Subtotal</i>	<i>\$12,380,384</i>	<i>\$6,804,896</i>	<i>\$11,833,552</i>	<i>\$12,263,599</i>	<i>3.5%</i>	<i>\$12,477,999</i>	<i>1.7%</i>
Central Charges	\$7,841,337	\$3,474,364	\$7,833,537	\$6,594,977	-15.8%	\$6,840,835	3.7%
Subtotal Water Operating	\$23,333,818	\$12,127,059	\$22,779,136	\$22,122,958	-2.9%	\$22,602,516	2.2%
Transfer Payments							
To General Fund	\$1,603,586	\$1,069,057	\$1,603,586	\$1,593,097	-0.7%	\$1,625,920	2.1%
To Fleet	\$32,700	\$21,800	\$32,700	\$0	-100.0%	\$0	N/A
To Property/Liability Self Insured	\$300,160	\$200,107	\$300,160	\$301,532	0.5%	\$305,028	1.2%
To Workers Compensation	\$121,373	\$80,915	\$121,373	\$121,373	0.0%	\$122,586	1.0%
<i>Subtotal</i>	<i>\$2,057,819</i>	<i>\$1,371,879</i>	<i>\$2,057,819</i>	<i>\$2,016,002</i>	<i>-2.1%</i>	<i>\$2,053,534</i>	<i>1.9%</i>
Water Total (including transfers)	\$25,391,637	\$13,498,938	\$24,836,955	\$24,138,960	-2.8%	\$24,656,050	2.1%
Water Contingency	\$700,000	\$0	\$700,000	\$0	N/A	\$0	N/A
WATER TOTAL EXPENSES	\$26,091,637	\$13,498,938	\$25,536,955	\$24,138,960	-5.5%	\$24,656,050	2.1%
Wastewater Department Expenses							
Public Works & Utilities							
Water Resources & Treatment	\$4,208,558	\$2,022,532	\$3,989,059	\$4,685,536	17.5%	\$4,676,562	-0.2%
Utilities	\$1,921,983	\$830,023	\$1,902,617	\$1,534,514	-19.3%	\$1,636,183	6.6%
<i>Subtotal</i>	<i>\$6,130,541</i>	<i>\$2,852,555</i>	<i>\$5,891,676</i>	<i>\$6,220,050</i>	<i>5.6%</i>	<i>\$6,312,745</i>	<i>1.5%</i>
Central Charges	\$882,567	\$295,368	\$881,202	\$2,014,088	128.6%	\$2,074,107	3.0%
Subtotal Wastewater Operating	\$7,013,108	\$3,147,923	\$6,772,878	\$8,234,138	21.6%	\$8,386,852	1.9%

Activity	2006 Adjusted	2006 Actual (9/1/06)	2006 Estimated	2007 07 Prop/ Proposed	06 Est	2008 08 Prop/ Proposed	07 Prop
Transfer Payments							
To General Fund	\$864,000	\$576,000	\$864,000	\$896,117	3.7%	\$914,580	2.1%
To Fleet	\$38,500	\$25,667	\$38,500	\$0	-100.0%	\$0	N/A
To Property/Liability Self Insured	\$161,779	\$107,853	\$161,779	\$162,363	0.4%	\$164,245	1.2%
To Workers Compensation	\$182,059	\$121,373	\$182,059	\$182,059	0.0%	\$183,880	1.0%
<i>Subtotal</i>	<i>\$1,246,338</i>	<i>\$830,893</i>	<i>\$1,246,338</i>	<i>\$1,240,539</i>	<i>-0.5%</i>	<i>\$1,262,705</i>	<i>1.8%</i>
WW Total (including transfers)	\$8,259,446	\$3,978,816	\$8,019,216	\$9,474,677	18.1%	\$9,649,557	1.8%
Wastewater Contingency	\$300,000	\$0	\$300,000	\$0	N/A	\$0	N/A
WASTEWATER TOTAL EXP	\$8,559,446	\$3,978,816	\$8,319,216	\$9,474,677	13.9%	\$9,649,557	1.8%
Stormwater Department Expenses							
General Services							
Environmental Services	\$97,373	\$23,195	\$50,000	\$100,000	100.0%	\$100,000	0.0%
<i>Subtotal</i>	<i>\$97,373</i>	<i>\$23,195</i>	<i>\$50,000</i>	<i>\$100,000</i>	<i>100.0%</i>	<i>\$100,000</i>	<i>0.0%</i>
Community Development							
Engineering	\$77,627	\$44,789	\$77,627	\$76,100	-2.0%	\$115,600	51.9%
<i>Subtotal</i>	<i>\$77,627</i>	<i>\$44,789</i>	<i>\$77,627</i>	<i>\$76,100</i>	<i>-2.0%</i>	<i>\$115,600</i>	<i>51.9%</i>
Public Works & Utilities							
Street	\$100,000	\$20,791	\$100,000	\$100,000	0.0%	\$360,400	260.4%
<i>Subtotal</i>	<i>\$100,000</i>	<i>\$20,791</i>	<i>\$100,000</i>	<i>\$100,000</i>	<i>0.0%</i>	<i>\$360,400</i>	<i>260.4%</i>
Subtotal Stormwater Operating	\$275,000	\$88,775	\$227,627	\$276,100	21.3%	\$576,000	108.6%
Capital Improvements							
Water/Wastewater Capital Imp.	\$19,936,878	\$13,062,768	\$19,936,878	\$18,523,000	-7.1%	\$20,810,000	12.3%
Stormwater Capital Imp.	\$799,377	\$533,680	\$799,377	\$644,000	-19.4%	\$1,264,000	96.3%
<i>Total Capital Improvements*</i>	<i>\$20,736,255</i>	<i>\$13,596,448</i>	<i>\$20,736,255</i>	<i>\$19,167,000</i>	<i>-7.6%</i>	<i>\$22,074,000</i>	<i>15.2%</i>
TOTAL UTILITY FUND EXP	\$55,662,338	\$31,162,977	\$54,820,053	\$53,056,737	-3.2%	\$56,955,607	7.3%

NOTE: The 2006 Adjusted and 2006 Estimated Water/Wastewater Capital Improvement amounts include \$12,086,878 in carryover funds appropriated in July 2006 to the capital improvement program. The Stormwater Capital Improvements amount includes \$174,377 of carryover funds appropriated to the capital improvement program as well. These funds represent expenditure savings in the operating budget plus revenues performing better than anticipated in 2005.

*Due to the nature of capital projects crossing fiscal years, the 2006 Actual Capital Improvements expenditures include funds appropriated in prior years but reflect actual expenditures to September 1, 2006.

PROPOSED 2007 CAPITAL IMPROVEMENT PROGRAM

Proposed General Fund Capital Improvement Projects

General Capital Improvements:

New Traffic Signals/Speed Control Devices	\$145,000
New Development Participation	\$200,000
Community Development Project Manager	\$81,000
Geographic Information System (GIS) Upgrades	\$75,000
104 th Avenue and Sheridan Boulevard Intersection Improvements	\$500,000
Arterial Roadway Grinding/Resurfacing	\$500,000
80 th Avenue/Federal Boulevard Intersection Improvements	\$700,000
99 th Avenue Trail Connection	\$150,000
City Facilities Parking Lot Maintenance Program	\$100,000
South Westminster Revitalization Projects/Historic Preservation	\$415,000
Building Operations and Maintenance Major Maintenance	\$400,000
Business Facelift Program	\$50,000
Open Space Land Purchase Reimbursement	\$100,000
City Hall Courtyard and Delivery Drive Ramp Renovation	\$200,000
Computer Room Air Conditioning System	<u>\$55,000</u>
Proposed 2007 General Capital Improvements Total	<u>\$3,671,000</u>

Public Safety Capital Improvements

Fire Station Major Maintenance/Remodel	\$60,000
Firefighting Simulator/Burn Building	\$75,000
Public Safety Facilities' Maintenance (BO&M)	\$65,000
Public Safety Capital Reserve	<u>\$191,000</u>
Proposed 2007 Public Safety Capital Improvements Total	<u>\$391,000</u>

Park Capital Improvements:

Community Enhancement Program	\$1,100,000
Median Rehabilitation	\$150,000
Greenbelt and Drainage Improvements	\$50,000
Trail Development	\$125,000
Landscape Architect II/Project Manager	\$61,000
128 th and Huron Park	\$250,000
Cheyenne Ridge Park	\$300,000
Recreation Facilities Improvements	\$250,000
Park Maintenance (JCOS)	\$425,000
Adams County Open Space Land Acquisition	\$125,000
Park Renovation Program	\$650,000
Golf Course Improvements	\$50,000
Standley Lake Regional Park Improvements	\$119,000
Parks & Recreation Capital Reserve	<u>\$428,000</u>
Proposed 2007 Park Improvements Total	<u>\$4,083,000</u>

PROPOSED 2007 GENERAL FUND Total

\$8,145,000

Proposed 2007 Utility Fund Capital Improvement ProjectsWastewater and Water Capital Improvements:

PACP Sanitary Sewer Line Trenchless Rehabilitation	\$2,100,000
PACP Sewer Line Open-Cut Replacement	\$1,686,000
94 th Ave / Quitman Lift Station Elimination	\$200,000
Hyland Village Sewer Upsizing – McStain / 98 th and Sheridan	\$100,000
99 th / Wadsworth Sewer Line Improvements	\$100,000
GIS Mapping/Modeling Improvements – Wastewater portion	\$50,000
Computer Room Air Conditioning System	\$55,000
Water Meter & Transponder Replacement Program	\$4,000,000
Open-Cut Water Line Replacements	\$3,000,000
Reclaimed Raw Water System Interconnection	\$1,000,000
Municipal Service Center Renovation	\$3,750,000
Zone 14 Pump Station	\$500,000
SWTF Filter 1-14 Media Replacement	\$250,000
SWTF Backwash Pump Replacement	\$85,000
SWTF HSPS Meter Replacement	\$70,000
SWTF Raw Water Vault Re-Build	\$200,000
80 th / Federal Water Line Improvements	\$100,000
Phase 3 Filing – Country Club Highlands Zuni Main Upsizing	\$200,000
SWTF Filter 1-6 Effluent Valve Replacement	\$80,000
102nd Avenue Reclaimed Pipeline Extension	\$185,000
Reclaimed Water New User Connections	\$165,000
Wandering View Roof Replacement	\$75,000
Reclaimed Water Project User Retrofits	\$169,000
GIS Elevation Update	\$50,000
System-wide SCADA Enhancements	\$125,000
GIS Mapping/Modeling Improvements – Water portion	\$50,000
JBR Aeration System Replacement	\$50,000
RWTF Security Fencing	\$78,000
TEAM System Enhancements	<u>\$50,000</u>
Proposed 2007 Wastewater and Water Capital Improvements Subtotal	\$18,523,000

Stormwater Capital Improvements:

Miscellaneous Storm Drainage Improvements	\$80,000
City Park Channel Improvements (Lowell to Big Dry Creek)	\$214,000
Cozy Corner Tributary Number 5	\$150,000
Quail Creek Osage to Huron	<u>\$200,000</u>
Proposed 2007 Stormwater Capital Improvements Subtotal	\$644,000

PROPOSED 2007 UTILITY FUND Total **\$19,167,000**

PROPOSED 2007 CAPITAL IMPROVEMENT PROGRAM GRAND TOTAL **\$27,312,000**

PROPOSED 2008 CAPITAL IMPROVEMENT PROGRAM

Proposed General Fund Capital Improvement Projects

General Capital Improvements:

New Traffic Signals/Speed Control Devices	\$125,000
New Development Participation	\$200,000
Community Development Project Manager	\$83,000
Geographic Information System (GIS) Upgrades	\$72,000
Arterial Roadway Grinding/Resurfacing	\$500,000
112 th Avenue (Federal to Huron) Improvements	\$292,000
BDC Trail Upgrade at Wadsworth Blvd	\$750,000
120 th Avenue Access to DIA	\$108,000
City Facilities Parking Lot Maintenance Program	\$100,000
South Westminster Revitalization Projects	\$400,000
Building Operations and Maintenance Major Maintenance	\$450,000
Open Space Land Purchase Reimbursement	\$150,000
Major Software Upgrades	<u>\$105,000</u>
Proposed 2008 General Capital Improvements Total	\$3,335,000

Public Safety Capital Improvement

Fire Station Major Maintenance/Remodel	\$60,000
Firefighting Simulator/Burn Building	\$150,000
Fire EMS Field Reporting	\$50,000
Public Safety Facilities' Maintenance (BO&M)	\$65,000
Major Software Upgrades	\$100,000
Public Safety Capital Reserve	<u>\$323,000</u>
Proposed 2008 Public Safety Capital Improvement Total	\$748,000

Park Capital Improvements:

Community Enhancement Program	\$1,120,000
Median Rehabilitation	\$150,000
Greenbelt and Drainage Improvements	\$50,000
Trail Development	\$125,000
Landscape Architect II/Project Manager	\$64,000
Recreation Facilities Improvements	\$300,000
Park Maintenance (JCOS)	\$433,000
Open Space Land Acquisition	\$125,000
Park Renovation Program	\$650,000
Golf Course Improvements	\$50,000
Standley Lake Regional Parks Improvements	\$155,000
City Center Park	\$820,000
Parks & Recreation Capital Reserve	<u>\$299,000</u>
Proposed 2008 Park Improvements Total	\$4,341,000

PROPOSED 2008 GENERAL FUND Total **\$8,424,000**

Proposed Utility Fund Capital Improvement Projects

<u>Wastewater and Water Capital Improvements:</u>	
PACP Sanitary Sewer Line Trenchless Rehabilitation	\$2,000,000
PACP Sewer Line Open-Cut Replacement	\$1,500,000
94 th Ave / Quitman Lift Station Elimination	\$1,800,000
GIS Mapping/Modeling Improvements – Wastewater portion	\$125,000
Major Software Upgrades	\$45,000
Open-Cut Water Line Replacements	\$4,355,000
Reclaimed Raw Water System Interconnection	\$6,200,000
80 th / Federal Water Line Improvements	\$400,000
Reclaimed Water New User Connections	\$100,000
GIS Mapping/Modeling Improvements – Water portion	\$125,000
TEAM System Enhancements	\$100,000
Zone 4 Pump Station Replacement	\$1,000,000
Northridge Tank Improvements	\$100,000
SWTF Maintenance Shop Expansion	\$100,000
SWTF BIF SCADA Replacement	\$236,000
SWTF Permanganate Bulk Storage	\$75,000
SWFF North Trac Vac Pump System Improvements	\$54,000
Westmoor Tech Park Pipeline Extensions/User Connections	\$200,000
SWTF Lime System Improvements	\$75,000
SWTF Electrical System Improvements	\$150,000
SWTF Clearwell Site Fencing	\$75,000
NWTF Site Fencing	\$75,000
SWTF Access Control System	\$345,000
SWTF North Basin Roof Replacement	\$150,000
Water Pressure Zones Enhancements	\$1,000,000
South Westminster Non-Potable System	\$100,000
England WTF Decommissioning	\$300,000
Utility Fund Facilities Parking Lot Management	<u>\$25,000</u>
Proposed 2008 Wastewater and Water Capital Improvements Subtotal	\$20,810,000
<u>Stormwater Capital Improvements:</u>	
Miscellaneous Storm Drainage Improvements	\$625,000
Stormwater Capital Reserve	<u>\$639,000</u>
Proposed 2008 Stormwater Capital Improvements Subtotal	\$1,264,000
PROPOSED 2008 UTILITY FUND Total	\$22,074,000
PROPOSED 2008 CAPITAL IMPROVEMENT PROGRAM GRAND TOTAL	<u>\$30,498,000</u>

GENERAL CAPITAL IMPROVEMENT FUND REVENUES

Source	2006 Revised Budget	2006 Actual (9/1/06)	2006 Estimated	2007 Projected	07 Proj/ 06 Est	2008 Projected	08 Proj/ 07 Proj
General Capital Improvements							
CIP Interest Income	\$590,000	\$1,046,017	\$800,000	\$650,000	-18.8%	\$650,000	0.0%
ADCO Road Tax	\$1,900,000	\$1,359,661	\$2,080,518	\$2,112,000	1.5%	\$2,133,000	1.0%
Cash-in Lieu Future Capital	\$0	\$219,684	\$200,000	\$200,000	0.0%	\$200,000	N/A
Development Assessment Pmnts	\$250,000	\$70,081	\$250,000	\$200,000	-20.0%	\$200,000	0.0%
Sale of Assets	\$0		\$0	\$0	N/A	\$0	N/A
Miscellaneous	\$0	\$1,478,318	\$400,000	\$400,000	0.0%	\$400,000	0.0%
Transfer From General Fund	\$0	\$5,610,977	\$0	\$0	N/A	\$0	N/A
Transfer From Sales & Use Tax	\$500,000	\$333,333	\$500,000	\$500,000	0.0%	\$500,000	0.0%
Transfer From Debt Service	\$0	\$512,302	\$0	\$0	N/A	\$0	N/A
Carryover	\$4,120,496	\$0	\$4,120,496	\$0	-100.0%	\$0	N/A
<i>Total General Capital Imp</i>	\$7,360,496	\$10,630,373	\$8,351,014	\$4,062,000	-51.4%	\$4,083,000	0.5%
Park Capital Improvements							
Park Development Fees	\$349,535	\$252,399	\$350,000	\$250,000	-28.6%	\$100,000	-60.0%
Accommodations Tax	\$1,100,000	\$918,360	\$1,100,000	\$1,110,000	0.9%	\$1,120,000	0.9%
Cash-in Lieu Parks	\$50,000	\$247,278	\$100,000	\$100,000	0.0%	\$100,000	0.0%
Transfer From Open Space Fund	\$533,465	\$355,643	\$553,465	\$481,044	-13.1%	\$838,643	74.3%
Transfer From Conservation Trust Fd	\$625,000	\$0	\$625,000	\$625,000	0.0%	\$625,000	0.0%
Transfer From General Fd	\$0	\$0	\$0	\$119,000	N/A	\$155,000	30.3%
Adco Open Space - Grants	\$0	\$0	\$0	\$0	N/A	\$0	N/A
Jeffco Open Space - Grants	\$0	\$0	\$0	\$0	N/A	\$0	N/A
Adco Open Space - City Share	\$210,000	\$0	\$239,475	\$241,538	0.9%	\$244,375	1.2%
Jeffco Open Space - City Share	\$1,100,000	\$694,121	\$1,144,968	\$1,156,418	1.0%	\$1,167,982	1.0%
Carryover	\$1,220,474	\$0	\$1,220,474	\$0	-100.0%	\$0	N/A
<i>Total Park Capital Imp</i>	\$5,188,474	\$2,467,801	\$5,333,382	\$4,083,000	-23.4%	\$4,351,000	6.6%
TOTAL GCIF REVENUES	\$12,548,970	\$13,098,174	\$13,684,396	\$8,145,000	-40.5%	\$8,434,000	3.5%

SALES & USE TAX FUND REVENUES

Source	2006 Revised Budget	2006 Actual (9/1/06)	2006 Estimated	2007 Projected	07 Proj/ 06 Est	2008 Projected	08 Proj/ 07 Proj
Sales Tax							
Returns	\$48,983,391	\$34,000,707	\$49,560,610	\$49,548,374	0.0%	\$50,882,383	2.7%
Audit	\$723,845	\$946,477	\$651,897	\$764,054	17.2%	\$766,275	0.3%
Refunds	-\$86,962	-\$46,657	-\$85,000	-\$85,000	0.0%	-\$91,000	7.1%
Audit Returns	-\$5,567	-\$541	-\$6,000	-\$6,500	8.3%	-\$7,500	15.4%
<i>Total</i>	\$49,614,707	\$34,899,986	\$50,121,507	\$50,220,928	0.2%	\$51,550,158	2.6%
Use Tax							
Returns	\$2,108,949	\$1,708,809	\$2,290,766	\$2,340,522	2.2%	\$2,391,391	2.2%
Building	\$2,771,340	\$1,854,869	\$2,583,804	\$2,639,950	2.2%	\$2,697,353	2.2%
Auto	\$6,140,400	\$2,966,309	\$5,881,566	\$6,009,001	2.2%	\$6,139,277	2.2%
Audit	\$606,000	\$507,911	\$682,714	\$796,853	16.7%	\$813,290	2.1%
Refunds	-\$120,600	-\$9,491	-\$105,000	-\$105,000	0.0%	-\$110,500	5.2%
Collection Fees	-\$361,800	-\$148,396	-\$350,000	-\$352,000	0.6%	-\$360,000	2.3%
<i>Total</i>	\$11,144,289	\$6,880,011	\$10,983,850	\$11,329,326	3.1%	\$11,570,811	2.1%
Total Sales & Use Tax	\$60,758,996	\$41,779,997	\$61,105,357	\$61,550,254	0.7%	\$63,120,969	2.6%
Interest Income	\$95,000	\$82,396	\$80,000	\$95,000	18.8%	\$108,000	13.7%
<i>Total</i>	\$60,853,996	\$41,862,393	\$61,185,357	\$61,645,254	0.8%	\$63,228,969	2.6%
Carryover	\$737,920	\$0	\$737,920	\$0	-100.0%	\$0	N/A
Total Funds Available	\$61,591,916	\$41,862,393	\$61,923,277	\$61,645,254	-0.4%	\$63,228,969	2.6%

NOTE: In November 2003, Westminster voters approved a 0.6% sales and use tax increase for the purpose of enhancing public safety. The public safety tax was implemented in January 2004 and the revenue collections are utilized for public safety purposes (primarily Police and Fire operations plus some support departments). The revenue collections are included in the figures above.

SALES & USE TAX FUND EXPENDITURES

	2005 Actual	2006 Adj (9/1/06)	2006 Actual (9/1/06)	2006 Estimated	2007 Proposed	2008 Proposed
SALES & USE TAX FUND						
53010900						
Transfers						
79800 0100 Transfers General Fund	\$54,674,442	\$55,756,916	\$37,171,277	\$55,756,916	\$55,760,254	\$57,243,969
79800 0230 Transfer Heritage	\$250,000	\$285,000	\$190,000	\$285,000	\$285,000	\$285,000
79800 0750 Transfers GCIF	\$742,811	\$500,000	\$333,333	\$500,000	\$500,000	\$500,000
79800 0800 Transfers Debt Service	<u>\$3,919,269</u>	<u>\$5,050,000</u>	<u>\$3,366,667</u>	<u>\$5,050,000</u>	<u>\$5,100,000</u>	<u>\$5,200,000</u>
Subtotal	\$59,586,522	\$61,591,916	\$41,061,277	\$61,591,916	\$61,645,254	\$63,228,969
SALES & USE TAX FUND TOTAL	\$59,586,522	\$61,591,916	\$41,061,277	\$61,591,916	\$61,645,254	\$63,228,969

PARKS OPEN SPACE & TRAILS FUND REVENUES

Source	2006 Revised Budget	2006 Actual (9/1/06)	2006 Estimated	2007 Projected	07 Proj/ 06 Est	2008 Projected	08 Proj/ 07 Proj
Sales Tax							
Returns	\$3,690,265	\$2,545,847	\$3,598,500	\$3,889,787	8.1%	\$4,189,814	7.7%
Audit	\$25,000	\$73,564	\$30,000	\$30,000	0.0%	\$30,000	0.0%
Refunds	-\$5,500	-\$3,222	-\$5,500	-\$5,500	0.0%	-\$5,500	0.0%
<i>Total</i>	\$3,709,765	\$2,616,189	\$3,623,000	\$3,914,287	8.0%	\$4,214,314	7.7%
Use Tax							
Returns	\$148,165	\$120,697	\$164,141	\$169,066	3.0%	\$174,138	3.0%
Building	\$226,605	\$125,889	\$186,173	\$191,759	3.0%	\$197,511	3.0%
Auto	\$465,000	\$205,875	\$408,182	\$420,427	3.0%	\$433,040	3.0%
Audit	\$20,000	\$36,557	\$52,824	\$54,408	3.0%	\$56,041	3.0%
Refunds	-\$7,000	-\$659	-\$5,000	-\$5,000	0.0%	-\$5,000	0.0%
Collection Fees	-\$24,000	-\$10,299	-\$20,000	-\$20,000	0.0%	-\$20,000	0.0%
<i>Total</i>	\$828,770	\$478,060	\$786,320	\$810,660	3.1%	\$835,730	3.1%
Total Sales & Use Tax	\$4,538,535	\$3,094,249	\$4,409,320	\$4,724,947	7.2%	\$5,050,044	6.9%
Interest Income	\$25,000	\$30,806	\$45,000	\$45,000	0.0%	\$48,000	6.7%
<i>Total</i>	\$4,563,535	\$3,125,055	\$4,454,320	\$4,769,947	7.1%	\$5,098,044	6.9%
Sale of Asset	\$0	\$23,889	\$0	\$100,000	N/A	\$150,000	50.0%
Miscellaneous	\$0	\$424,499	\$80,000	\$80,000	0.0%	\$80,000	0.0%
Rentals	\$0	\$7,249	\$8,832	\$8,832	0.0%	\$8,832	0.0%
Carryover	\$1,132,695	\$0	\$1,132,695	\$0	N/A	\$0	N/A
Total Funds Available	\$5,696,230	\$3,580,692	\$5,675,847	\$4,958,779	-12.6%	\$5,336,876	7.6%

PARKS OPEN SPACE & TRAILS FUND EXPENDITURES

	2005 Actual	2006 Adj (9/1/06)	2006 Actual (9/1/06)	2006 Estimated	2007 Proposed	2008 Proposed
PARKS OPEN SPACE & TRAILS FUND						
54010900						
Personnel Services						
60200 0000 Regular Salaries	\$56,818	\$91,939	\$50,672	\$91,939	\$95,839	\$98,249
60200 0531 Regular Salaries Vol Crd	\$52,523	\$54,112	\$34,401	\$49,355	\$55,475	\$56,870
60400 0531 Salaries Overtime Vol Crd	\$0	\$480	\$0	\$0	\$480	\$480
61000 0531 Unif & Equip Allow Vol	\$154	\$200	\$0	\$200	\$200	\$200
61200 0000 Mileage Reimb	\$422	\$500	\$503	\$500	\$500	\$500
61400 0000 Meeting Expense	\$1,432	\$1,500	\$456	\$1,500	\$1,500	\$1,500
61400 0531 Meeting Expense Vol Crd	\$114	\$200	\$86	\$200	\$200	\$200
61800 0000 Career Dev	\$130	\$1,000	\$806	\$1,000	\$1,000	\$1,000
61800 0531 Career Dev Vol Crd	<u>\$390</u>	<u>\$600</u>	<u>\$369</u>	<u>\$1,000</u>	<u>\$600</u>	<u>\$600</u>
Subtotal	\$111,983	\$150,531	\$87,293	\$145,694	\$155,794	\$159,599
Contractual Services						
65100 0000 Prof Serv	\$74,518	\$49,424	\$24,020	\$50,000	\$110,000	\$50,000
65100 0531 Prof Serv Vol Crd	\$3,740	\$4,000	\$0	\$2,000	\$4,000	\$4,000
65400 0000 Legal & Admin	\$20	\$1,000	\$0	\$1,000	\$1,000	\$1,000
65600 0000 Engineering Design	\$0	\$12,500	\$12,372	\$0	\$0	\$0
66000 0531 Equip Rental Vol Crd	\$0	\$3,000	\$300	\$3,000	\$3,000	\$3,000
66950 0000 PC Replacement Fee	\$0	\$0	\$0	\$0	\$500	\$500
67700 0000 Lease Payments to Others	\$1,284	\$1,101	\$1,101	\$1,101	\$440,595	\$440,795
67800 0531 Contract Svcs Vol Crd	<u>\$2,036</u>	<u>\$4,000</u>	<u>\$604</u>	<u>\$3,900</u>	<u>\$4,000</u>	<u>\$4,000</u>
Subtotal	\$81,598	\$75,025	\$38,397	\$61,001	\$563,095	\$503,295
Commodities						
70200 0000 Supplies	\$1,100	\$1,000	\$1,294	\$1,000	\$1,000	\$1,000
70200 0531 Supplies Vol Crd	\$5,086	\$5,000	\$4,508	\$5,000	\$5,000	\$5,000
71800 0000 Build & Grd Mtrls	\$158	\$20,000	\$0	\$20,000	\$20,000	\$20,000
71800 0531 Build & Grd Mtrls Vol Crd	\$5,779	\$6,000	\$3,528	\$6,000	\$6,000	\$6,000
72400 0000 Maint Const Mtrls	\$0	\$20,000	\$0	\$20,000	\$20,000	\$20,000
72400 0531 Maint Const Mtrls Vol Crd	\$1,732	\$4,000	\$0	\$4,000	\$4,000	\$4,000
72600 0531 Signing Mtrls Vol Crd	<u>\$1,950</u>	<u>\$2,500</u>	<u>\$384</u>	<u>\$2,500</u>	<u>\$2,500</u>	<u>\$2,500</u>
Subtotal	\$15,805	\$58,500	\$9,714	\$58,500	\$58,500	\$58,500
Capital Outlay						
75400 0531 Comp Soft/Hard Vol Crd	\$4,650	\$0	\$0	\$0	\$0	\$0
76400 0000 Construction	\$151,457	\$150,000	\$67,376	\$75,000	\$110,000	\$110,000
76600 0000 Land Purchases	<u>\$2,070,837</u>	<u>\$2,224,666</u>	<u>\$707,224</u>	<u>\$2,222,457</u>	<u>\$458,917</u>	<u>\$941,460</u>
Subtotal	\$2,226,944	\$2,374,666	\$774,600	\$2,297,457	\$568,917	\$1,051,460
Transfers						
79800 0230 Transfers - Heritage	\$0	\$0	\$0	\$0	\$163,200	\$182,150
79800 0750 Transfers GCIF	\$492,522	\$533,465	\$355,643	\$533,465	\$481,044	\$838,643
79800 0800 Transfers Debt Svc	<u>\$2,900,195</u>	<u>\$2,933,775</u>	<u>\$1,955,850</u>	<u>\$2,933,775</u>	<u>\$2,968,229</u>	<u>\$2,543,229</u>
Subtotal	\$3,392,717	\$3,467,240	\$2,311,493	\$3,467,240	\$3,612,473	\$3,564,022
POST FUND TOTAL	\$5,829,047	\$6,125,962	\$3,221,497	\$6,029,892	\$4,958,779	\$5,336,876

FLEET MAINTENANCE FUND EXPENDITURES

	2005 Actual	2006 Adj (9/1/06)	2006 Actual (9/1/06)	2006 Estimated	2007 Proposed	2008 Proposed
FLEET MAINTENANCE FUND						
30012460						
Personnel Services						
60200 0000 Regular Salaries	\$537,641	\$557,584	\$348,813	\$557,584	\$587,296	\$619,942
60200 0911 Regular Salaries PST	\$39,052	\$46,231	\$30,821	\$46,231	\$47,387	\$48,579
60400 0000 Salaries Overtime	\$23,261	\$25,000	\$15,840	\$25,000	\$25,000	\$25,000
61000 0000 Unif & Equip Allow	\$3,680	\$4,000	\$2,201	\$4,000	\$4,000	\$4,000
61200 0000 Mileage Reimbursement	\$848	\$200	\$501	\$200	\$200	\$200
61400 0000 Meeting Expense	\$0	\$0	\$25	\$25	\$0	\$0
61800 0000 Career Dev	\$10,728	\$5,500	\$2,891	\$8,500	\$7,525	\$7,525
64000 0000 Employee Med Expense	<u>\$210</u>	<u>\$500</u>	<u>\$42</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>
Subtotal	\$615,420	\$639,015	\$401,134	\$642,040	\$671,908	\$705,746
Contractual Services						
66000 0000 Equip Rental	\$50,119	\$58,100	\$37,797	\$58,100	\$58,100	\$58,100
66100 0000 Maint/Rep Equip	\$4,374	\$6,000	\$974	\$5,500	\$6,000	\$6,000
66200 0000 Maint/Rep Infra	\$4,707	\$20,000	\$7,089	\$13,000	\$15,000	\$15,000
66900 0000 Telephone	\$4,979	\$6,000	\$3,406	\$6,000	\$6,000	\$6,000
66950 0000 PC Replacement Fee	\$0	\$0	\$0	\$0	\$2,500	\$2,500
67000 0000 Outside Comp Chgs	\$12,614	\$15,100	\$14,727	\$15,100	\$7,000	\$7,000
67700 0000 Lease Payments to Others	\$3,773	\$4,292	\$4,292	\$4,292	\$0	\$0
68800 0000 Maint Repair-Rolling Stocl	\$41,320	\$59,000	\$44,878	\$59,000	\$59,000	\$59,000
68900 0000 Accident Repair Costs	<u>\$7,757</u>	<u>\$12,500</u>	<u>\$6,113</u>	<u>\$9,000</u>	<u>\$12,500</u>	<u>\$12,500</u>
Subtotal	\$129,643	\$180,992	\$119,276	\$169,992	\$166,100	\$166,100
Commodities						
70200 0000 Supplies	\$37,943	\$34,100	\$13,780	\$40,200	\$42,200	\$42,200
70200 0911 Supplies-PST	\$800	\$800	\$533	\$800	\$800	\$800
72400 0000 Maint Const Mtrls	\$1,184	\$2,500	\$1,361	\$2,300	\$2,500	\$2,500
73000 0000 Chemicals	\$5,056	\$6,500	\$4,275	\$4,500	\$2,000	\$2,000
73600 0000 Parts	\$250,021	\$219,312	\$146,203	\$220,000	\$219,312	\$219,312
73600 0911 Parts PST	\$28,000	\$28,000	\$18,667	\$29,120	\$28,000	\$28,000
73800 0000 Tires	\$71,153	\$77,000	\$49,440	\$77,000	\$77,000	\$77,000
74000 0000 Fuel & Lubricants	\$614,388	\$732,756	\$495,205	\$742,256	\$652,410	\$749,863
74000 0911 Fuel & Lubricants PST	<u>\$23,819</u>	<u>\$23,819</u>	<u>\$15,879</u>	<u>\$23,819</u>	<u>\$251,696</u>	<u>\$292,674</u>
Subtotal	\$1,032,364	\$1,124,787	\$745,343	\$1,139,995	\$1,275,918	\$1,414,349
DEPARTMENT TOTAL - ALL FUNDS	\$1,777,427	\$1,944,794	\$1,265,753	\$1,952,027	\$2,113,926	\$2,286,195

GOLF COURSE ENTERPRISE FUND REVENUES

Source	2006 Revised Budget	2006 Actual (9/1/06)	2006 Estimated	2007 Projected	07 Proj/ 06 Est	2008 Projected	08 Proj/ 07 Proj
Golf Course Revenues							
Green Fees	\$1,913,000	\$1,381,289	\$1,884,949	\$1,990,718	5.6%	\$2,017,615	1.4%
Cart Rental	\$455,000	\$369,164	\$472,760	\$486,942	3.0%	\$491,812	1.0%
Driving Range	\$194,976	\$127,016	\$192,000	\$197,760	3.0%	\$199,738	1.0%
Pro Shop Retail	\$328,917	\$231,891	\$329,148	\$342,314	4.0%	\$345,736	1.0%
Junior Golf	\$7,000	\$7,300	\$7,100	\$7,100	0.0%	\$7,100	0.0%
Lesson Fees	\$22,000	\$14,415	\$21,000	\$23,000	9.5%	\$23,000	0.0%
Miscellaneous	\$53,247	\$44,613	\$54,000	\$55,000	1.9%	\$55,000	0.0%
Rentals	\$18,427	\$13,640	\$19,500	\$20,000	2.6%	\$20,100	0.5%
Concessions	\$66,000	\$56,419	\$66,000	\$66,000	0.0%	\$66,000	0.0%
Note Proceeds	\$582,114	\$582,144	\$582,114	\$0	-100.0%	\$0	N/A
<i>Subtotal</i>	\$3,640,681	\$2,827,891	\$3,628,571	\$3,188,834	-12.1%	\$3,226,101	1.2%
Transfer Payments							
From General Fund	\$0	\$750,000	\$0	\$0	N/A	\$0	N/A
From Sales & Use Fund	\$285,000	\$190,000	\$285,000	\$285,000	0.0%	\$285,000	0.0%
From Open Space Fund	\$0	\$0	\$0	\$163,200	N/A	\$182,150	11.6%
<i>Subtotal</i>	\$285,000	\$940,000	\$285,000	\$448,200	57.3%	\$467,150	4.2%
Total Funds Available	\$3,925,681	\$3,767,891	\$3,913,571	\$3,637,034	-7.1%	\$3,693,251	1.5%

NOTE: The note proceeds in 2006 reflect lease financing proceeds utilized for the purchase of golf maintenance equipment authorized in February 2006. They fund the lease/purchase and financing costs of the new golf course maintenance fleet that replace an aging fleet of equipment.

GOLF COURSE ENTERPRISE EXPENDITURES

		2005 Actual	2006 Adj (9/1/06)	2006 Actual (9/1/06)	2006 Estimated	2007 Proposed	2008 Proposed	
GOLF COURSE ENTERPRISE FUND								
Legacy Ridge Golf Course								
Central Charges								
22010900								
Personnel Services								
60200	0000	Regular Salaries	\$0	\$0	\$600	\$600	\$0	\$12,715
62200	0000	Cafeteria Benefits	\$2,195	\$2,100	\$0	\$2,100	\$2,100	\$2,100
62800	0590	Non Med Ins ER Life	\$1,339	\$2,500	\$1,070	\$2,500	\$2,600	\$2,700
62800	0591	Non Med Ins ER LTD	\$4,733	\$6,000	\$3,906	\$6,000	\$6,200	\$6,600
62800	0592	Non Med Ins ER SIB	\$2,572	\$3,200	\$1,897	\$3,200	\$3,200	\$3,400
63000	0594	Med Ins ER SELF	\$54,127	\$41,428	\$32,304	\$41,428	\$43,100	\$46,000
63000	0595	Med Ins ER Dental	\$4,048	\$4,000	\$3,109	\$4,000	\$4,200	\$4,400
63000	0596	Med Ins ER Kaiser	\$16,587	\$30,000	\$15,382	\$30,000	\$31,200	\$33,000
63600	0000	Medicare	\$7,894	\$7,900	\$5,570	\$6,700	\$7,900	\$8,300
79600	0000	Depreciation Expense	\$158,518	\$0	\$0	\$0	\$0	\$0
		Subtotal	\$252,013	\$97,128	\$63,838	\$96,528	\$100,500	\$119,215
		Legacy Ridge Central Charges Total	\$252,013	\$97,128	\$63,838	\$96,528	\$100,500	\$119,215
Legacy Ridge Golf Course								
Parks, Recreation & Libraries - Facilities								
22050720								
Personnel Services								
60200	0000	Regular Salaries	\$309,107	\$274,558	\$199,009	\$274,558	\$338,593	\$338,593
60200	0249	Regular Salaries Club Ops	\$146,738	\$155,467	\$95,233	\$155,467	\$166,962	\$166,962
60400	0000	Salaries Overtime	\$1,781	\$500	\$76	\$500	\$500	\$500
60400	0249	Salaries Overtime Club Ops	\$184	\$1,675	\$8	\$1,000	\$1,675	\$1,675
60600	0000	Salaries Temp	\$82,237	\$90,993	\$59,957	\$78,783	\$90,993	\$90,993
60600	0011	Salaries - Temp Instructors	\$12,518	\$13,000	\$6,895	\$13,000	\$13,000	\$13,000
60600	0249	Salaries Temp Club Ops	\$68,285	\$69,643	\$50,989	\$69,643	\$69,643	\$69,643
61000	0000	Unif & Equip Allow	\$3,227	\$2,000	\$1,343	\$6,500	\$6,500	\$6,500
61000	0249	Unif & Equip Allow Club Ops	\$3,353	\$5,000	\$2,810	\$4,200	\$5,000	\$5,000
61200	0249	Mileage Reimb Club Ops	\$706	\$1,100	\$179	\$900	\$1,100	\$1,100
61400	0000	Meeting Expense	\$515	\$700	\$458	\$1,500	\$1,700	\$1,700
61400	0249	Meeting Expense Club Ops	\$1,801	\$1,000	\$1,876	\$1,000	\$1,000	\$1,000
61800	0000	Career Dev	\$1,080	\$1,790	\$1,295	\$1,295	\$1,790	\$1,790
61800	0249	Career Dev Club Ops	\$832	\$2,060	\$516	\$1,200	\$2,060	\$2,060
64200	0249	Cash Over/Short	-\$71	\$0	-\$5	\$0	\$0	\$0
		Subtotal	\$632,293	\$619,486	\$420,639	\$609,546	\$700,516	\$700,516
Contractual Services								
65100	0000	Prof Serv	\$5,107	\$5,400	\$8,483	\$5,000	\$5,400	\$5,400
65100	0249	Prof Serv Club Ops	\$26,739	\$26,975	\$20,428	\$26,975	\$31,975	\$32,186
65900	0000	Motor Fuel Chgs	\$12,053	\$19,000	\$11,156	\$19,000	\$20,000	\$22,000
66000	0000	Equip Rental	\$3,202	\$2,500	\$1,067	\$3,000	\$4,000	\$4,000
66000	0249	Equip Rental Club Ops	\$3,171	\$6,800	\$1,080	\$5,000	\$5,000	\$5,000
66100	0249	Maint/Rep Equip Club Ops	\$11,173	\$1,250	\$608	\$1,250	\$10,250	\$1,250
66200	0000	Maint/Rep Infra	\$156	\$3,000	\$0	\$1,000	\$1,000	\$1,000

	2005 Actual	2006 Adj (9/1/06)	2006 Actual (9/1/06)	2006 Estimated	2007 Proposed	2008 Proposed
66300 0000 Maint/Repair Radios	\$0	\$0	\$0	\$0	\$1,605	\$1,671
66800 0249 Bank Chgs-Club Operations	\$21,431	\$29,988	\$11,778	\$29,988	\$31,487	\$33,062
66900 0000 Telephone	\$3,386	\$4,100	\$2,223	\$3,500	\$2,448	\$2,448
66900 0249 Telephone Club Ops	\$8,706	\$10,050	\$73	\$10,050	\$6,412	\$6,412
66950 0000 PC Replacement Fee	\$0	\$0	\$0	\$0	\$2,000	\$2,000
67100 0000 Wtr & Sewer	\$59,654	\$67,000	\$927	\$75,000	\$85,000	\$93,200
67100 0249 Wtr & Sewer Club Ops	\$2,110	\$2,000	\$1,460	\$2,000	\$1,299	\$2,000
67200 0000 Electricity & Gas	\$37,913	\$37,000	\$21,057	\$44,000	\$48,000	\$48,000
67200 0249 Electricity & Gas Club Ops	\$30,000	\$31,000	\$22,410	\$34,000	\$35,706	\$47,000
67300 0000 Solid Waste Collect	\$4,617	\$5,000	\$2,315	\$4,500	\$5,000	\$5,000
67300 0249 Solid Waste Collect Club Ops	\$1,000	\$1,000	\$0	\$1,000	\$1,000	\$1,000
67600 0249 Spec Promo Club Ops	\$4,500	\$5,000	\$500	\$5,000	\$5,000	\$5,000
67700 0000 Lease Pay to Others	\$3,570	\$60,280	\$60,280	\$60,280	\$93,112	\$93,112
67700 0249 Lease Pay to Others Club Ops	\$8,577	\$57,542	\$43,568	\$54,798	\$54,798	\$54,798
67800 0000 Contract Svcs	\$3,028	\$4,000	\$2,881	\$4,000	\$4,000	\$4,000
Subtotal	\$250,093	\$378,885	\$212,294	\$389,341	\$454,492	\$469,539
Commodities						
70200 0000 Supplies	\$11,467	\$17,100	\$11,598	\$16,000	\$18,000	\$18,000
70200 0249 Supplies Club Ops	\$28,547	\$32,000	\$20,685	\$32,000	\$32,100	\$32,200
71000 0000 Landscape Sup	\$37,534	\$33,600	\$25,727	\$33,600	\$33,600	\$33,600
71800 0249 Build & Grd Mtrls Club Ops	\$0	\$750	\$489	\$750	\$750	\$750
72200 0000 Irrigation Mtrls	\$16,440	\$10,000	\$6,121	\$11,000	\$11,000	\$11,000
73000 0000 Chemicals	\$1,173	\$5,000	\$6,107	\$5,661	\$5,000	\$5,000
73400 0249 Merch for Resale Club Ops	\$133,208	\$129,400	\$106,881	\$129,400	\$129,400	\$129,400
73600 0000 Parts	\$23,894	\$22,000	\$14,433	\$21,000	\$23,000	\$23,000
73600 0249 Parts Club Ops	\$0	\$1,500	\$0	\$1,500	\$1,500	\$1,500
Subtotal	\$252,263	\$251,350	\$192,041	\$250,911	\$254,350	\$254,450
Capital Outlay						
76000 0000 Other Equip	\$2,800	\$0	\$0	\$0	\$0	\$0
Subtotal	\$2,800	\$0	\$0	\$0	\$0	\$0
Legacy Ridge Operations Total	\$1,137,449	\$1,249,721	\$824,974	\$1,249,798	\$1,409,358	\$1,424,505
Legacy Ridge Golf Course Total	\$1,389,462	\$1,346,849	\$888,812	\$1,346,326	\$1,509,858	\$1,543,720
The Heritage Golf Course						
Central Charges						
23010900						
Personnel Services						
60200 0000 Regular Salaries	\$0	\$0	\$0	\$0	\$0	\$12,588
62200 0000 Cafeteria Benefits	\$1,350	\$900	\$0	\$900	\$900	\$900
62800 0590 Non Med Ins ER Life	\$1,368	\$1,700	\$1,008	\$1,700	\$1,800	\$1,900
62800 0591 Non Med Ins ER LTD	\$4,873	\$5,900	\$3,626	\$5,900	\$6,100	\$6,500
62800 0592 Non Med Ins ER SIB	\$2,657	\$3,100	\$1,756	\$3,100	\$3,200	\$3,400
63000 0594 Med Ins ER SELF	\$30,720	\$47,600	\$16,108	\$47,600	\$49,500	\$52,000
63000 0595 Med Ins ER Dental	\$4,297	\$3,800	\$2,733	\$3,800	\$4,000	\$4,200
63000 0596 Med Ins ER Kaiser	\$37,056	\$29,000	\$28,405	\$29,000	\$30,200	\$32,000
63600 0000 Medicare	\$7,872	\$8,400	\$5,277	\$8,400	\$8,400	\$8,400
Subtotal	\$90,193	\$100,400	\$58,913	\$100,400	\$104,100	\$121,888
The Heritage Central Charges Total	\$90,193	\$100,400	\$58,913	\$100,400	\$104,100	\$121,888

			2005 Actual	2006 Adj (9/1/06)	2006 Actual (9/1/06)	2006 Estimated	2007 Proposed	2008 Proposed
The Heritage Golf Course								
Parks, Recreation & Libraries - Facilities								
23050720								
Personnel Services								
60200	0000	Regular Salaries	\$286,114	\$309,734	\$177,980	\$284,734	\$334,189	\$334,189
60200	0249	Regular Salaries Club Ops	\$154,102	\$159,593	\$95,331	\$159,593	\$166,332	\$166,332
60400	0000	Salaries Overtime	\$370	\$500	\$0	\$500	\$500	\$500
60400	0249	Salaries Overtime Club Ops	\$0	\$1,875	\$107	\$1,875	\$1,875	\$1,875
60600	0000	Salaries Temp	\$77,526	\$94,929	\$63,727	\$84,543	\$94,929	\$94,929
60600	0011	Salaries Temp Golf Instrs	\$10,715	\$13,000	\$8,905	\$13,000	\$13,000	\$13,000
60600	0249	Salaries Temp Club Ops	\$67,204	\$69,643	\$48,303	\$69,643	\$69,643	\$69,643
61000	0000	Unif & Equip Allow	\$3,374	\$3,000	\$1,513	\$6,000	\$6,000	\$6,000
61000	0249	Unif & Equip Allow Club Ops	\$5,320	\$5,000	\$1,095	\$5,000	\$5,000	\$5,000
61200	0249	Mileage Reimb Club Ops	\$520	\$1,000	\$410	\$1,000	\$1,000	\$1,000
61400	0000	Meeting Expense	\$28	\$700	\$358	\$1,100	\$1,700	\$1,700
61400	0249	Meeting Expense Club Ops	\$907	\$2,500	\$2,030	\$2,030	\$1,000	\$1,000
61800	0000	Career Dev	\$2,449	\$1,790	\$1,233	\$1,233	\$1,790	\$1,790
61800	0249	Career Dev Club Ops	\$615	\$1,800	\$250	\$1,800	\$1,800	\$1,800
64200	0000	Cash Over/Short	\$136	\$0	\$156	\$136	\$0	\$0
		Subtotal	\$609,380	\$665,064	\$401,398	\$632,187	\$698,758	\$698,758
Contractual Services								
65100	0000	Prof Serv	\$15,659	\$12,900	\$8,998	\$10,000	\$12,900	\$12,900
65100	0249	Prof Serv Club Ops	\$20,651	\$26,210	\$12,806	\$26,210	\$26,210	\$26,421
65900	0000	Motor Fuel Chgs	\$15,670	\$20,500	\$11,689	\$19,000	\$20,000	\$22,000
66000	0000	Equip Rental	\$7,877	\$3,000	\$1,178	\$3,500	\$4,000	\$4,000
66000	0249	Equip Rental Club Ops	\$0	\$1,000	\$0	\$1,000	\$1,000	\$1,000
66100	0000	Maint/Rep Equip	\$0	\$1,000	\$54	\$500	\$1,000	\$1,000
66100	0249	Maint/Rep Equip Club Ops	\$10,827	\$3,100	\$1,567	\$2,500	\$9,600	\$1,000
66200	0000	Maint/Rep Infra	\$0	\$500	\$133	\$500	\$1,000	\$1,000
66300	0000	Maint/Repair Radios	\$0	\$0	\$0	\$0	\$1,785	\$1,858
66800	0249	Bank Chgs-Club Operations	\$19,155	\$29,988	\$9,519	\$29,988	\$31,487	\$33,062
66900	0000	Telephone	\$454	\$500	\$189	\$500	\$748	\$748
66900	0249	Telephone Club Ops	\$13,720	\$10,600	\$6,702	\$10,600	\$8,980	\$8,980
66950	0000	PC Replacement Fee	\$0	\$0	\$0	\$0	\$2,000	\$2,000
67100	0000	Wtr & Sewer	\$67,619	\$71,000	-\$2,991	\$78,000	\$92,803	\$101,925
67100	0249	Wtr & Sewer Club Ops	\$2,264	\$3,000	\$1,515	\$3,000	\$2,863	\$3,000
67200	0000	Electricity & Gas	\$38,059	\$42,000	\$25,763	\$44,000	\$48,000	\$48,000
67200	0249	Electricity & Gas Club Ops	\$45,743	\$30,000	\$27,496	\$46,000	\$49,803	\$50,000
67300	0000	Solid Waste Collect	\$4,251	\$4,300	\$1,711	\$4,400	\$4,800	\$4,800
67300	0249	Solid Waste Collect Club Ops	\$0	\$1,000	\$0	\$1,000	\$1,000	\$1,000
67600	0249	Spec Promo Club Ops	\$4,500	\$7,000	\$3,203	\$5,000	\$7,000	\$7,000
67700	0000	Lease Pay to Others	\$773	\$145,577	\$80,454	\$145,577	\$176,315	\$176,315
67700	0249	Lease Pay to Others Club Ops	\$7,828	\$54,383	\$41,127	\$54,383	\$54,383	\$54,383
67800	0000	Contract Svcs	\$4,389	\$3,000	\$743	\$3,000	\$4,000	\$4,000
67800	0249	Contract Svcs Club Ops	\$837	\$1,500	\$705	\$1,500	\$1,500	\$1,500
		Subtotal	\$280,276	\$472,058	\$232,561	\$490,158	\$563,177	\$567,892

	2005 Actual	2006 Adj (9/1/06)	2006 Actual (9/1/06)	2006 Estimated	2007 Proposed	2008 Proposed
Commodities						
70200 0000 Supplies	\$49,019	\$18,100	\$17,510	\$18,100	\$18,000	\$18,000
70200 0249 Supplies Club Ops	\$24,890	\$26,400	\$21,347	\$26,400	\$30,500	\$30,500
71000 0000 Landscape Sup	\$45,210	\$40,000	\$28,734	\$40,000	\$40,000	\$40,000
71800 0000 Build & Grd Mtrls	\$1,052	\$1,500	\$0	\$1,500	\$3,000	\$3,000
71800 0249 Build & Grd Mtrls Club Ops	\$1,448	\$500	\$629	\$629	\$500	\$500
72200 0000 Irrigation Mtrls	\$13,473	\$13,000	\$11,288	\$12,000	\$13,000	\$13,000
73000 0000 Chemicals	\$1,354	\$3,000	\$844	\$2,000	\$3,000	\$3,000
73400 0249 Merch for Resale Club Ops	\$93,449	\$132,678	\$117,804	\$117,804	\$132,678	\$132,678
73600 0000 Parts	<u>\$20,471</u>	<u>\$20,000</u>	<u>\$14,358</u>	<u>\$18,000</u>	<u>\$20,000</u>	<u>\$20,000</u>
Subtotal	\$250,366	\$255,178	\$212,514	\$236,433	\$260,678	\$260,678
Capital Outlay						
76000 0000 Other Equip	\$0	<u>\$586,144</u>	<u>\$586,489</u>	<u>\$582,144</u>	\$0	\$0
Subtotal	\$0	\$586,144	\$586,489	\$582,144	\$0	\$0
Debt Service						
78200 0000 Principal	\$0	\$195,000	\$0	\$195,000	\$205,000	\$215,000
78400 0000 Int Pay	\$317,205	\$304,868	\$152,509	\$304,868	\$295,313	\$285,165
78600 0000 Paying Agent Fees	\$150	\$150	\$0	\$150	\$150	\$150
79400 0000 Other Expenses - Misc	<u>\$2,455</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Subtotal	\$319,810	\$500,018	\$152,509	\$500,018	\$500,463	\$500,315
The Heritage Operating Total	\$1,459,832	\$2,478,462	\$1,585,471	\$2,440,940	\$2,023,076	\$2,027,643
The Heritage Golf Course Total	\$1,550,025	\$2,578,862	\$1,644,384	\$2,541,340	\$2,127,176	\$2,149,531
GOLF COURSE ENTERPRISE FUND TOTAL	\$2,939,487	\$3,925,711	\$2,533,196	\$3,887,666	\$3,637,034	\$3,693,251

HUMAN SERVICES BOARD 2007 FUNDING

	2006 Expended	2007 Requested	2007 HSB Recommended
Access Housing	\$7,500	\$10,000	\$0
✓ Adams 50 School District Health Centers	\$13,000	\$40,000	\$12,000
✓ Adams County Housing Authority	\$12,000	\$75,000	\$12,000
Alternatives to Family Violence	\$13,000	\$20,000	\$11,000
Arapahoe House	\$1,000	--	--
Arvada Child Advocacy Center	\$4,000	\$4,000	\$3,000
Catholic Charities of Denver	\$3,500	\$9,000	\$4,000
Center for People with Disabilities (2)	\$0	\$7,500	\$1,500
Children's Advocacy Program	--	\$5,000	\$2,000
Children's Outreach Project	\$2,500	\$2,500	\$2,500
✓ Clinica Campesina	\$10,000	\$20,000	\$11,000
✓ Colorado Homeless Families	\$11,000	\$15,000	\$11,000
Colorado Housing Enterprises	\$1,500	\$5,000	\$1,500
Community Awareness Action Team (CAAT)	\$1,000	\$5,000	\$500
Community Housing Services	\$1,000	\$1,250	\$500
Community Reach Center	\$12,000	\$24,000	\$15,000
CASA of Adams County	\$1,000	\$1,500	\$1,500
CASA of Jefferson & Gilpin Counties	--	\$12,000	\$500
Exempla Lutheran Hospice, LMC	\$4,000	\$5,000	\$0
FACES, Inc.	\$2,000	\$2,500	\$2,500
✓ Family Tree, Inc.	\$13,000	\$15,000	\$12,000
FISH of Westminster	\$5,500	\$6,500	\$5,500
Food Bank of the Rockies	\$3,500	\$7,000	\$3,500
Growing Home (formerly Adco Interfaith Hospitality Network)	\$7,500	\$15,000	\$8,500
Have a Heart Project, Inc.	\$4,500	\$10,000	\$3,500
Hmong-American Association of Colorado	--	\$10,000	\$0
Hospice of Metro Denver	\$4,000	\$10,000	\$5,000
Inter-Church ARMS	\$3,000	\$7,000	\$2,500
✓ Jefferson Center for Mental Health (1)	\$8,000	\$16,000	\$7,000
Jefferson County Foster Family Association	--	\$4,000	\$0
Kempe Children's Foundation	\$1,000	\$1,500	\$1,000
RAAP	\$2,000	\$5,000	\$2,500
Radio Reading Service of the Rockies	\$1,000	\$1,500	\$1,500
Santa Claus Workshop	\$1,500	\$3,000	\$1,000
✓ Senior Hub	\$12,000	\$12,000	\$12,000
Senior's Resources Center	\$1,000	\$5,000	\$1,000
Wilderness on Wheels	\$1,500	\$1,500	\$1,500
Yellow Ribbon/Light for Life	--	\$15,000	\$1,000
TOTAL	\$169,000	\$409,250	\$161,000

NOTES:

New FY2007 agencies' requests are noted in BOLD text.

✓ = Agency is proposed to be supported with CDBG funding in 2007.

-- = Agency did not request funding.

	2007 Recommended
Total CDBG Proposed	\$75,000
Total General Fund Proposed	\$86,000
TOTAL 2007 HSB Allocation	\$161,000

PROPOSED 2007-2011 CAPITAL IMPROVEMENT PROGRAM BUDGET

FUNDING SOURCE	REQ 2007	REC 2007	REQ 2008	REC 2008	REQ 2009	REC 2009	REQ 2010	REC 2010	REQ 2011	REC 2011	REQ TOTAL	REC TOTAL
GENERAL CAPITAL IMPROVEMENT FUND												
Streets and Traffic Improvements												
New Traffic Signals & Speed Control Devices	\$145	\$145	\$125	\$125	\$135	\$135	\$135	\$135	\$100	\$100	\$675	\$580
New Development Participation	\$0	\$200	\$400	\$200	\$200	\$200	\$200	\$200	\$200	\$200	\$1,000	\$1,000
Sidewalk Connection	\$0	\$0	\$0	\$0	\$25	\$25	\$25	\$25	\$25	\$25	\$75	\$75
New Street Light Program	\$0	\$0	\$0	\$0	\$25	\$25	\$25	\$25	\$25	\$25	\$75	\$75
Community Development/ Project Manager	\$81	\$81	\$83	\$83	\$85	\$85	\$87	\$87	\$89	\$89	\$425	\$425
Old Wadsworth Improvement 92nd-108th Ave.	\$0	\$0	\$0	\$0	\$500	\$375	\$500	\$500	\$400	\$400	\$1,500	\$1,275
Geographic Information System Upgrades	\$75	\$75	\$72	\$72	\$75	\$75	\$75	\$75	\$75	\$75	\$372	\$372
104th Ave/ Sheridan Intersection	\$500	\$500	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$500	\$500
Arterial Roadway Grinding/Resurfacing	\$500	\$500	\$500	\$500	\$650	\$650	\$650	\$650	\$650	\$650	\$2,950	\$2,950
112th Avenue (Federal to Huron)	\$0	\$0	\$292	\$292	\$230	\$230	\$229	\$229	\$0	\$0	\$751	\$751
80th Ave/ Federal Blvd Intersection Improvements	\$700	\$700	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$700	\$700
BDC Trail Upgrade at Wadsworth Blvd (old wads bridge)	\$0	\$0	\$750	\$750	\$0	\$0	\$0	\$0	\$0	\$0	\$750	\$750
99th Avenue Trail Connection (BNRR trail connection)	\$150	\$150	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$150	\$150
120th Avenue Access to DIA	\$0	\$0	\$108	\$108	\$0	\$0	\$0	\$0	\$0	\$0	\$108	\$108
144th Avenue: Huron-Zuni	\$0	\$0	\$0	\$0	\$500	\$500	\$500	\$500	\$500	\$500	\$1,500	\$1,500
Subtotal Streets and Traffic - Pay As You Go	\$2,151	\$2,351	\$2,330	\$2,130	\$2,425	\$2,240	\$2,426	\$2,426	\$2,199	\$2,064	\$11,531	\$11,211
Subtotal Streets and Traffic - Debt	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Streets and Traffic Improvements	\$2,151	\$2,351	\$2,330	\$2,130	\$2,425	\$2,240	\$2,426	\$2,426	\$2,199	\$2,064	\$11,531	\$11,211
Other Capital Improvements												
City Facilities Parking Lot Maintenance Program	\$110	\$100	\$110	\$100	\$115	\$115	\$115	\$115	\$115	\$115	\$665	\$545
South Westminster Revitalization Project	\$415	\$415	\$400	\$400	\$300	\$300	\$300	\$300	\$300	\$300	\$1,715	\$1,715
Building O&M Major Maintenance	\$400	\$400	\$450	\$450	\$450	\$450	\$400	\$400	\$400	\$400	\$2,100	\$2,100

FUNDING SOURCE	REQ 2007	REC 2007	REQ 2008	REC 2008	REQ 2009	REC 2009	REQ 2010	REC 2010	REQ 2011	REC 2011	REQ TOTAL	REC TOTAL
Business Facelift Program	\$50	\$50	\$50	\$0	\$50	\$50	\$50	\$0	\$50	\$50	\$250	\$150
Open Space Land Purchase Reimbursement	\$215	\$100	\$215	\$150	\$215	\$180	\$215	\$215	\$0	\$215	\$860	\$860
72nd Avenue Streetscape	\$0	\$0	\$0	\$0	\$300	\$300	\$300	\$300	\$300	\$300	\$900	\$900
City Hall Courtyard and Delivery Drive Ramp Renovation	\$200	\$200	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$200	\$200
Computer Room Air Conditioning System	\$55	\$55	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$55	\$55
Major Software Upgrades	\$50	\$0	\$49	\$105	\$50	\$105	\$49	\$0	\$50	\$0	\$247	\$210
Subtotal Other Capital Projects - Pay As You Go	\$1,495	\$1,320	\$1,274	\$1,205	\$1,480	\$1,500	\$1,429	\$1,330	\$1,215	\$1,380	\$6,892	\$6,735
Subtotal Other Capital Projects - Debt	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Other Capital Projects	\$1,495	\$1,320	\$1,274	\$1,205	\$1,480	\$1,500	\$1,429	\$1,330	\$1,215	\$1,380	\$6,892	\$6,735
Total General Capital Improvement Projects (non-pst)	\$3,646	\$3,671	\$3,604	\$3,335	\$3,905	\$3,740	\$3,856	\$3,756	\$3,414	\$3,444	\$18,424	\$17,946
Public Safety Capital Improvements												
Fire Station Major Maintenance/Remodel	\$150	\$60	\$150	\$60	\$200	\$60	\$200	\$60	\$200	\$60	\$900	\$300
Firefighting Simulator/Burn Building	\$100	\$75	\$300	\$150	\$100	\$150	\$0	\$125	\$0	\$0	\$500	\$500
Station Alarm Notification	\$0	\$0	\$0	\$0	\$150	\$150	\$0	\$0	\$0	\$0	\$150	\$150
Fire Station Concrete/ Asphalt Replacement Program	\$0	\$0	\$0	\$0	\$50	\$50	\$0	\$0	\$50	\$50	\$100	\$100
Fire EMS Field Reporting	\$0	\$0	\$93	\$50	\$0	\$43	\$0	\$0	\$0	\$0	\$93	\$93
Public Safety Facilities' Maintenance (BO&M)	\$125	\$65	\$105	\$65	\$100	\$60	\$100	\$60	\$100	\$60	\$530	\$310
Public Safety Center - PST Changes/Space Analysis	\$46	\$0	\$100	\$0	\$437	\$50	\$437	\$0	\$0	\$0	\$1,020	\$50
Major Software Upgrades	\$44	\$0	\$44	\$100	\$44	\$0	\$44	\$100	\$44	\$0	\$220	\$200
PST Capital Reserve	\$191	\$191	\$323	\$323	\$50	\$50	\$100	\$100	\$50	\$50	\$714	\$714
Subtotal Public Safety Capital Projects - Pay As You Go	\$656	\$391	\$1,114	\$748	\$1,131	\$613	\$881	\$445	\$444	\$220	\$4,227	\$2,417
Subtotal Public Safety Capital Projects - Debt	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Public Safety Capital Projects	\$656	\$391	\$1,114	\$748	\$1,131	\$613	\$881	\$445	\$444	\$220	\$4,227	\$2,417
Subtotal Streets/ Other/ Public Safety - Pay As You Go	\$4,302	\$4,062	\$4,719	\$4,083	\$5,036	\$4,353	\$4,737	\$4,201	\$3,858	\$3,664	\$22,651	\$20,363
Subtotal Streets/ Other/ Public Safety - COP/Debt	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total All Non-Park Projects	\$4,302	\$4,062	\$4,719	\$4,083	\$5,036	\$4,353	\$4,737	\$4,201	\$3,858	\$3,664	\$22,651	\$20,363

FUNDING SOURCE	REQ 2007	REC 2007	REQ 2008	REC 2008	REQ 2009	REC 2009	REQ 2010	REC 2010	REQ 2011	REC 2011	REQ TOTAL	REC TOTAL
Park Improvements												
Community Enhancement Program	\$1,110	\$1,110	\$1,120	\$1,120	\$1,120	\$1,120	\$1,120	\$1,120	\$1,120	\$1,120	\$5,590	\$5,590
Median Rehabilitation	\$150	\$150	\$150	\$150	\$150	\$150	\$150	\$150	\$150	\$150	\$750	\$750
Greenbelt & Drainage Improvements	\$50	\$50	\$50	\$50	\$50	\$50	\$50	\$50	\$50	\$50	\$250	\$250
Trail Development	\$125	\$125	\$125	\$125	\$125	\$125	\$125	\$125	\$125	\$125	\$625	\$625
Landscape Architect II/ Project Manager	\$61	\$61	\$64	\$64	\$67	\$67	\$70	\$70	\$72	\$72	\$334	\$334
City Park Phase IV	\$150	\$0	\$400	\$0	\$650	\$150	\$648	\$450	\$470	\$470	\$2,294	\$1,070
Big Dry Creek Park (128th & Huron)	\$250	\$250	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$250	\$250
Cheyenne Ridge Park	\$300	\$300	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$300	\$300
Recreation Facilities Improvements	\$250	\$250	\$300	\$300	\$300	\$300	\$300	\$300	\$300	\$300	\$1,450	\$1,450
Park Maintenance (JCOS)	\$450	\$425	\$475	\$433	\$440	\$440	\$475	\$447	\$475	\$455	\$2,350	\$2,200
ADCO Open Space Land Acquisition	\$125	\$125	\$125	\$125	\$125	\$125	\$125	\$125	\$125	\$125	\$625	\$625
Park Renovation Program	\$650	\$650	\$650	\$650	\$650	\$650	\$650	\$650	\$650	\$650	\$3,250	\$3,250
Golf Course Improvements	\$100	\$50	\$100	\$50	\$50	\$50	\$100	\$50	\$100	\$50	\$500	\$250
Standley Lake Regional Park	\$119	\$119	\$155	\$155	\$150	\$150	\$150	\$150	\$145	\$145	\$719	\$719
City Center Park	\$0	\$0	\$820	\$820	\$350	\$350	\$70	\$70	\$0	\$0	\$1,240	\$1,240
Parks & Recreation Capital Reserve	\$418	\$418	\$299	\$309	\$291	\$291	\$290	\$290	\$292	\$292	\$1,590	\$1,600
Subtotal Park Projects - Pay As You Go	\$4,308	\$4,083	\$4,833	\$4,351	\$4,603	\$4,018	\$4,323	\$4,047	\$4,050	\$4,004	\$22,117	\$20,503
Subtotal Park Projects - Debt	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Park Improvements	\$4,308	\$4,083	\$4,833	\$4,351	\$4,603	\$4,018	\$4,323	\$4,047	\$4,050	\$4,004	\$22,117	\$20,503
Subtotal Streets	\$2,151	\$2,351	\$2,330	\$2,130	\$2,425	\$2,240	\$2,426	\$2,426	\$2,199	\$2,064	\$11,531	\$11,211
Subtotal Other Capital Projects	\$1,495	\$1,320	\$1,274	\$1,205	\$1,480	\$1,500	\$1,429	\$1,330	\$1,215	\$1,380	\$6,892	\$6,735
Subtotal Public Safety	\$656	\$391	\$1,114	\$748	\$1,131	\$613	\$881	\$445	\$444	\$220	\$4,227	\$2,417
Subtotal Parks Projects	\$4,308	\$4,083	\$4,833	\$4,351	\$4,603	\$4,018	\$4,323	\$4,047	\$4,050	\$4,004	\$22,117	\$20,503
Subtotal Debt	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GENERAL CAPITAL IMPROVEMENT FUND TOTAL - ALL PROJECTS	\$8,610	\$8,145	\$9,552	\$8,434	\$9,639	\$8,371	\$9,060	\$8,248	\$7,908	\$7,668	\$44,768	\$40,866

FUNDING SOURCE	REQ 2007	REC 2007	REQ 2008	REC 2008	REQ 2009	REC 2009	REQ 2010	REC 2010	REQ 2011	REC 2011	REQ TOTAL	REC TOTAL
UTILITY ENTERPRISE FUND												
Wastewater System Improvements												
SSES / I&I Study for Sewer Collection System	\$0	\$0	\$0	\$0	\$1,000	\$1,000	\$0	\$0	\$0	\$0	\$1,000	\$1,000
Permanent Sanitary Sewer Flowmeters	\$0	\$0	\$0	\$0	\$100	\$100	\$0	\$0	\$0	\$0	\$100	\$100
95th/Federal Lift Station Improvements	\$0	\$0	\$0	\$0	\$0	\$0	\$200	\$200	\$0	\$0	\$200	\$200
80th/Clay Lift Station Improvements	\$0	\$0	\$0	\$0	\$0	\$0	\$800	\$800	\$0	\$0	\$800	\$800
87th Ave & Wadsworth Lift Station Improvements	\$0	\$0	\$0	\$0	\$1,000	\$1,000	\$0	\$0	\$0	\$0	\$1,000	\$1,000
PACP Sanitary Sewer Line Trenchless Rehabilitation	\$2,100	\$2,100	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$10,100	\$10,100
PACP Sewer Line Open-Cut Replacement	\$1,686	\$1,686	\$1,500	\$1,500	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$9,186	\$9,186
94th Ave and Quitman Lift Station Elimination	\$200	\$200	\$1,800	\$1,800	\$0	\$0	\$0	\$0	\$0	\$0	\$2,000	\$2,000
Hyland Village Sewer Upsizing - McStain/98th & Sheridan	\$100	\$100	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$100	\$100
99th/Wadsworth Sewer Line Improvements	\$100	\$100	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$100	\$100
GIS Mapping/Modeling Improvements - Wastewater System	\$50	\$50	\$125	\$125	\$0	\$0	\$0	\$0	\$0	\$0	\$175	\$175
Subtotal Wastewater - Pay As You Go	\$4,236	\$4,236	\$5,425	\$5,425	\$6,100	\$6,100	\$5,000	\$5,000	\$4,000	\$4,000	\$24,761	\$24,761
Subtotal Wastewater - Debt	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Wastewater System Improvements	\$4,236	\$4,236	\$5,425	\$5,425	\$6,100	\$6,100	\$5,000	\$5,000	\$4,000	\$4,000	\$24,761	\$24,761
Water System Improvements												
Gravel Lakes Storage- Wattenberg	\$0	\$0	\$0	\$0	\$555	\$555	\$515	\$515	\$15	\$15	\$1,085	\$1,085
Reclaimed Water Treatment Plant Expansion	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$5,900	\$5,900	\$5,900	\$5,900
Major Software Upgrades	\$40	\$40	\$40	\$40	\$40	\$40	\$40	\$40	\$40	\$40	\$200	\$200
Computer Room Air Conditioning System	\$55	\$55	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$55	\$55
Water Meter & Transponder Replacement Program	\$4,000	\$4,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$4,000	\$4,000
Open-Cut Water Line Replacements	\$3,000	\$3,000	\$4,355	\$4,355	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$22,355	\$22,355
Reclaimed Raw Water System Interconnection	\$1,000	\$1,000	\$6,200	\$6,200	\$0	\$0	\$0	\$0	\$0	\$0	\$7,200	\$7,200
Municipal Service Center Renovation	\$4,000	\$3,750	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$4,000	\$3,750

FUNDING SOURCE	REC 2007	REC 2007	REC 2008	REC 2008	REC 2009	REC 2009	REC 2010	REC 2010	REC 2011	REC 2011	REC TOTAL	REQ TOTAL
Zone 14 Pump Station	Wfd	\$500	\$500	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$500	\$500
SWTF Filter 1-14 Media Replacement	Wfd	\$250	\$250	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$250	\$250
SWTF Backwash Pump Replacement	Wfd	\$85	\$85	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$85	\$85
SWTF HSPS Meter Replacement	Wfd	\$70	\$70	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$70	\$70
SWTF Raw Water Vault Re-Build	Wfd	\$200	\$200	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$200	\$200
80th / Federal Water Line Improvements	Wfd	\$100	\$100	\$400	\$400	\$0	\$0	\$0	\$0	\$0	\$500	\$500
Phase 3 Filing - Country Club Highlands Zuni Main Upsizing	Wfd	\$200	\$200	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$200	\$200
SWTF Filter 1-6 Effluent Valve Replacement	Wfd	\$80	\$80	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$80	\$80
102nd Avenue Reclaimed Pipeline Extension	Wfd	\$185	\$185	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$185	\$185
Reclaimed Water Project New Customer Connections	Wfd	\$165	\$165	\$100	\$100	\$0	\$0	\$0	\$0	\$0	\$265	\$265
Wandering View Roof Replacement	Wfd	\$75	\$75	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$75	\$75
Reclaimed Water Project User Retrofits	Wfd	\$169	\$169	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$169	\$169
GIS Elevation Update	Wfd	\$50	\$50	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$50	\$50
System-Wide SCADA Enhancements	Wfd	\$125	\$125	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$125	\$125
GIS Mapping/Modeling Improvements - Water System	Wfd	\$50	\$50	\$125	\$125	\$0	\$0	\$0	\$0	\$0	\$175	\$175
JBR Aeration System Replacement	Wfd	\$50	\$50	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$50	\$50
RWTF Security fencing	Wfd	\$78	\$78	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$78	\$78
TEAM System Enhancements	Wfd	\$50	\$50	\$100	\$100	\$0	\$0	\$0	\$0	\$0	\$150	\$150
Zone 4 Pump Station Replacement	Wfd	\$0	\$0	\$1,000	\$1,000	\$0	\$0	\$0	\$0	\$0	\$1,000	\$1,000
Northridge Tank Improvements	Wfd	\$0	\$0	\$100	\$100	\$0	\$0	\$0	\$1,000	\$1,000	\$1,100	\$1,100
SWTF Maintenance Shop Expansion	Wfd	\$0	\$0	\$100	\$100	\$0	\$0	\$0	\$0	\$0	\$100	\$100
SWTF BIF SCADA Replacement	Wfd	\$0	\$0	\$236	\$236	\$236	\$0	\$0	\$0	\$0	\$472	\$472
SWTF Permanganate Bulk Storage	Wfd	\$0	\$0	\$75	\$75	\$0	\$0	\$0	\$0	\$0	\$75	\$75
SWTF North Trac Vac Pump System Improvements	Wfd	\$0	\$0	\$54	\$54	\$0	\$0	\$0	\$0	\$0	\$54	\$54
Westmoor Tech Park Pipeline Extensions/User Connections	Wfd	\$0	\$0	\$200	\$200	\$0	\$0	\$0	\$0	\$0	\$200	\$200
SWTF Lime System Improvements	Wfd	\$0	\$0	\$75	\$75	\$0	\$0	\$0	\$0	\$0	\$75	\$75
SWTF Electrical System Improvements	Wfd	\$0	\$0	\$150	\$150	\$0	\$0	\$0	\$0	\$0	\$150	\$150

FUNDING SOURCE	REQ 2007	REC 2007	REQ 2008	REC 2008	REQ 2009	REC 2009	REQ 2010	REC 2010	REQ 2011	REC 2011	REQ TOTAL	REC TOTAL
SWTF Clearwell Site Fencing	\$0	\$0	\$75	\$75	\$0	\$0	\$0	\$0	\$0	\$0	\$75	\$75
NWTF Site Fencing	\$0	\$0	\$75	\$75	\$0	\$0	\$0	\$0	\$0	\$0	\$75	\$75
SWTF Access Control System	\$0	\$0	\$345	\$345	\$0	\$0	\$0	\$0	\$0	\$0	\$345	\$345
SWTF North Basin Roof Replacement	\$0	\$0	\$150	\$150	\$0	\$0	\$0	\$0	\$0	\$0	\$150	\$150
Water Pressure Zones Enhancements	\$0	\$0	\$1,000	\$1,000	\$4,000	\$4,000	\$4,000	\$4,000	\$4,000	\$4,000	\$13,000	\$13,000
South Westminster Non-Potable System	\$0	\$0	\$100	\$100	\$125	\$125	\$0	\$0	\$0	\$0	\$225	\$225
England WTF Decommissioning	\$0	\$0	\$300	\$300	\$0	\$0	\$0	\$0	\$0	\$0	\$300	\$300
Utility Fund Facilities Parking Lot Management	\$0	\$0	\$25	\$25	\$0	\$0	\$0	\$0	\$25	\$25	\$50	\$50
SWTF Trac Vac Sludge Removal System Replacement	\$0	\$0	\$0	\$0	\$250	\$250	\$0	\$0	\$0	\$0	\$250	\$250
SWTF Admin Roof Replacement	\$0	\$0	\$0	\$0	\$100	\$100	\$0	\$0	\$0	\$0	\$100	\$100
SWTF Filter Valve Replacement (26x4)	\$0	\$0	\$0	\$0	\$150	\$150	\$150	\$150	\$150	\$150	\$450	\$450
NWTF Bleach Tank Re-Build	\$0	\$0	\$0	\$0	\$30	\$30	\$0	\$0	\$0	\$0	\$30	\$30
SWTF System SCADA Video Improvements	\$0	\$0	\$0	\$0	\$385	\$385	\$0	\$0	\$0	\$0	\$385	\$385
NWTF Compressed Air Replacement	\$0	\$0	\$0	\$0	\$75	\$75	\$0	\$0	\$0	\$0	\$75	\$75
NWTF HVAC Improvement	\$0	\$0	\$0	\$0	\$43	\$43	\$0	\$0	\$0	\$0	\$43	\$43
Standley Lower Bypass Pipeline to Valve House	\$0	\$0	\$0	\$0	\$586	\$586	\$2,000	\$2,000	\$0	\$0	\$2,586	\$2,586
Church Ditch Little Dry Creek By-Pass	\$0	\$0	\$0	\$0	\$150	\$150	\$0	\$0	\$0	\$0	\$150	\$150
72nd/Tennison PRV Improvements	\$0	\$0	\$0	\$0	\$125	\$125	\$0	\$0	\$0	\$0	\$125	\$125
72nd/Lowell PRV Improvements	\$0	\$0	\$0	\$0	\$175	\$175	\$0	\$0	\$0	\$0	\$175	\$175
New Zone 9 Pump Station	\$0	\$0	\$0	\$0	\$1,000	\$1,000	\$0	\$0	\$0	\$0	\$1,000	\$1,000
Zones 6, 7, & 11 PRV Improvements	\$0	\$0	\$0	\$0	\$150	\$150	\$0	\$0	\$0	\$0	\$150	\$150
Zone 10 PRV Rehabilitation	\$0	\$0	\$0	\$0	\$175	\$175	\$0	\$0	\$0	\$0	\$175	\$175
Countryside Pump Station Improvements	\$0	\$0	\$0	\$0	\$0	\$0	\$125	\$125	\$0	\$0	\$125	\$125
Gregory Hill Pump Station Improvements	\$0	\$0	\$0	\$0	\$0	\$0	\$400	\$400	\$0	\$0	\$400	\$400
85th/Zuni Pump Station Improvements	\$0	\$0	\$0	\$0	\$75	\$75	\$0	\$0	\$0	\$0	\$75	\$75
Sunset Ridge Storage Reservoir Improvements	\$0	\$0	\$0	\$0	\$600	\$600	\$0	\$0	\$0	\$0	\$600	\$600
Standley Lake Raw Water Pump Station Improvements	\$0	\$0	\$0	\$0	\$75	\$75	\$0	\$0	\$0	\$0	\$75	\$75

FUNDING SOURCE	REQ 2007	REC 2007	REQ 2008	REC 2008	REQ 2009	REC 2009	REQ 2010	REC 2010	REQ 2011	REC 2011	REQ TOTAL	REC TOTAL
Kershaw Ditch Non-Potable Water Pump Station Improvements	\$0	\$0	\$0	\$0	\$120	\$120	\$0	\$0	\$0	\$0	\$120	\$120
36" PCCP Raw Water Line Improvements	\$0	\$0	\$0	\$0	\$500	\$500	\$0	\$0	\$0	\$0	\$500	\$500
Wandering View Pump Station Improvements	\$0	\$0	\$0	\$0	\$0	\$0	\$1,100	\$1,100	\$0	\$0	\$1,100	\$1,100
Hydropillar Elevated Storage Reservoir Improvements	\$0	\$0	\$0	\$0	\$0	\$0	\$1,800	\$1,800	\$0	\$0	\$1,800	\$1,800
New Zone 5 Storage Reservoir	\$0	\$0	\$0	\$0	\$0	\$0	\$1,000	\$1,000	\$1,500	\$1,500	\$2,500	\$2,500
SWTF Clearwell Baffling System	\$0	\$0	\$0	\$0	\$0	\$0	\$250	\$250	\$0	\$0	\$250	\$250
SWTF Bleach Tank Re-Build	\$0	\$0	\$0	\$0	\$0	\$0	\$50	\$50	\$0	\$0	\$50	\$50
Reclaimed Additional Pump Stations & Storage	\$0	\$0	\$0	\$0	\$0	\$0	\$500	\$500	\$500	\$500	\$1,000	\$1,000
Bradburn Raw Water Main Replacement	\$0	\$0	\$0	\$0	\$0	\$0	\$200	\$200	\$800	\$800	\$1,000	\$1,000
SWTF Filter 15-26/Chem building Roof Replacement	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$100	\$100	\$100	\$100
Standley Dam, Shaft, Spillway	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$100	\$100	\$100	\$100
Subtotal Water - Pay As You Go	\$14,577	\$14,287	\$15,385	\$14,720	\$14,725	\$14,725	\$17,130	\$17,090	\$19,130	\$19,090	\$80,937	\$80,577
Subtotal Water - Debt	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Water System Improvements	\$14,577	\$14,287	\$15,385	\$14,720	\$14,725	\$14,725	\$17,130	\$17,090	\$19,130	\$19,090	\$80,937	\$80,577
Total Water and Wastewater System Improvements	\$18,813	\$18,523	\$20,805	\$20,820	\$20,825	\$20,825	\$22,130	\$22,090	\$23,130	\$23,090	\$105,698	\$105,338
Stormwater System Improvements												
Misc Storm Drainage Improvements	\$61	\$80	\$625	\$625	\$625	\$625	\$625	\$625	\$625	\$625	\$2,561	\$2,580
City Park Channel Improvements (Lowell to Big Dry Creek)	\$214	\$214	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$214	\$214
Cozy Corner Tributary Number 5	\$150	\$150	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$150	\$150
Quail Creek Osage to Huron	\$200	\$200	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$200	\$200
Stormwater Capital Reserve	\$0	\$0	\$639	\$639	\$640	\$640	\$640	\$640	\$640	\$640	\$2,559	\$2,559
Subtotal Stormwater - Pay As You Go	\$625	\$644	\$1,264	\$1,264	\$1,265	\$1,265	\$1,265	\$1,265	\$1,265	\$1,265	\$5,684	\$5,703
Subtotal Stormwater - Debt	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Stormwater System Improvements	\$625	\$644	\$1,264	\$1,264	\$1,265	\$1,265	\$1,265	\$1,265	\$1,265	\$1,265	\$5,684	\$5,703
UTILITY FUND CAPITAL IMPROVEMENT TOTAL - ALL PROJECTS	\$19,438	\$19,167	\$22,069	\$22,074	\$22,085	\$22,090	\$23,395	\$23,355	\$24,395	\$24,355	\$111,382	\$111,041

FUNDING SOURCE	REQ 2007	REC 2007	REQ 2008	REC 2008	REQ 2009	REC 2009	REQ 2010	REC 2010	REQ 2011	REC 2011	REQ TOTAL	REC TOTAL
Total GCIF- Pay As You Go	\$8,610	\$8,145	\$9,552	\$8,434	\$9,639	\$8,371	\$9,060	\$8,248	\$7,908	\$7,668	\$44,768	\$40,866
Total GCIF - Debt	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Utility Fund- Pay As You Go	\$19,438	\$19,167	\$22,069	\$22,074	\$22,085	\$22,090	\$23,395	\$23,355	\$24,395	\$24,355	\$111,382	\$111,041
Total Utility Fund - Debt	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
GRAND TOTAL CIP - ALL FUNDS - ALL PROJECTS	\$28,048	\$27,312	\$31,621	\$30,508	\$31,724	\$30,461	\$32,454	\$31,603	\$32,303	\$32,023	\$156,149	\$151,907

NOTE: All amounts are dollars in thousands.

Funding Source Key:

- GCIF-General Capital Improvement Fund
- PDF-Park Development Fees
- ACTx-Accommodations Tax
- OSS-Open Space Split
- CTF-Conservation Trust Fund
- SWTR-Stormwater Fees
- JCOS-Jefferson County Open Space
- ACOS-Adams County Open Space
- COP/DEBT-Certificates of Participation or Bonded Debt
- WFd-Water fees
- WWFd-Wastewater fees

2007/2008 PROPOSED FULL-TIME EQUIVALENT EMPLOYEES

Position Title	2006 Amended Midyear	2007 Proposed	2008 Proposed
General Fund			
City Attorney's Office			
Business Unit: 10003120			
City Attorney	1.000	1.000	1.000
Assistant City Attorney VII	3.500	3.450	3.450
Paralegal	1.000	0.000	0.000
Legal Administrator	0.000	1.000	1.000
Legal Secretary	2.000	2.000	2.000
Secretary	1.000	1.000	1.000
City Attorney's Office	8.500	8.450	8.450
Prosecuting Section			
Business Unit: 100031200125			
Assistant Prosecuting Attorney VII	1.650	0.000	0.000
Assistant Prosecuting Attorney	0.000	1.700	1.700
Lead Prosecuting Attorney	0.750	0.750	0.750
Secretary	1.000	1.000	1.000
Prosecuting	3.400	3.450	3.450
City Attorney's Office - Public Safety			
Business Unit: 100031200911			
Assistant City Attorney VII	0.250	0.250	0.250
Assistant Prosecuting Attorney VII	0.250	0.000	0.000
Assistant Prosecuting Attorney	0.000	1.050	1.050
Lead Prosecuting Attorney	0.250	0.250	0.250
Legal Secretary	0.000	0.500	0.500
Prosecuting - Public Safety	0.750	2.050	2.050
City Attorney's Office Total	12.650	13.950	13.950
City Manager's Office			
Business Unit: 10005050			
City Manager	1.000	1.000	1.000
Assistant City Manager	1.000	1.000	1.000
Assistant to the City Manager	1.000	1.000	1.000
Executive Secretary to City Manager	1.000	1.000	1.000
Administrative Secretary	2.000	2.000	2.000
Senior Management Analyst	1.000	1.000	1.000
Neighborhood Outreach Coordinator	0.800	0.800	0.800
Secretary	1.000	0.500	0.500
City Manager's Office	8.800	8.300	8.300
Public Information Section			
Business Unit: 100050500387			
Public Information Officer	0.600	0.800	0.800
Public Information Specialist	2.000	2.000	2.000
Senior Public Information Specialist	1.000	0.800	0.800
Public Information	3.600	3.600	3.600
City Manager's Office Total	12.400	11.900	11.900

2007/2008 PROPOSED FULL-TIME EQUIVALENT EMPLOYEES

Position Title	2006 Amended Midyear	2007 Proposed	2008 Proposed
Community Development			
Administration Division			
Business Unit: 10030050			
Community Development Director	1.000	1.000	1.000
Capital Projects Coordinator	1.000	1.000	1.000
Senior Projects Coordinator	1.000	1.000	1.000
<i>Administrative Secretary</i>	<i>1.000</i>	<i>0.000</i>	<i>0.000</i>
Administrative Coordinator	0.000	1.000	1.000
Secretary	<u>1.100</u>	<u>1.600</u>	<u>1.600</u>
Administration Subtotal	5.100	5.600	5.600
Economic Development Division			
Business Unit: 10030340			
Economic Development Manager	1.000	1.000	1.000
Economic Development Specialist	1.000	1.000	1.000
Secretary	0.500	1.000	1.000
Economic Development Aide	<u>1.000</u>	<u>1.000</u>	<u>1.000</u>
Economic Development Subtotal	3.500	4.000	4.000
Planning Division			
Business Unit: 10030360			
Planning Manager	1.000	1.000	1.000
Planner I-III	4.200	4.200	4.200
Planning Coordinator	1.000	1.000	1.000
Senior Projects Planner	1.000	1.000	1.000
(I) Planner I-II	1.000	1.000	1.000
Planning Technician	2.000	2.000	2.000
Official Development Plan Inspector	1.000	1.000	1.000
Landscape Architect I/II	1.000	1.000	1.000
<i>Code Enforcement Officer</i>	<i>0.500</i>	<i>0.000</i>	<i>0.000</i>
Secretary	1.500	1.500	1.500
Records Management Technician	<u>1.000</u>	<u>1.000</u>	<u>1.000</u>
Planning Subtotal	15.200	14.700	14.700
Building Division			
Business Unit: 10030370			
Chief Building Official	1.000	1.000	1.000
Building Inspection Supervisor	1.000	1.000	1.000
Building Plans Analyst	1.000	1.000	1.000
Electrical Inspector	1.000	1.000	1.000
(I) Electrical Inspector	2.000	2.000	2.000
General Building Inspector	3.000	3.000	3.000
(I) General Building Inspector	2.000	2.000	2.000
Lead Housing Inspector	1.000	1.000	1.000
(I) Housing Inspector	1.000	1.000	1.000
Secretary	2.500	1.500	1.500
Building Permit Technician	0.000	1.000	1.000
(I) Assistant Building Plans Analyst	<u>2.000</u>	<u>2.000</u>	<u>2.000</u>
Building	17.500	17.500	17.500

2007/2008 PROPOSED FULL-TIME EQUIVALENT EMPLOYEES

Position Title	2006 Amended Midyear	2007 Proposed	2008 Proposed
Building Division - Public Safety			
Business Unit: 100303700911			
Assistant Building Plans Analyst	<u>1.000</u>	<u>1.000</u>	<u>1.000</u>
Building - Public Safety	1.000	1.000	1.000
Building Subtotal	18.500	18.500	18.500
 Engineering Division			
Business Unit: 10030380			
City Engineer	1.000	1.000	1.000
Assistant City Engineer	1.000	1.000	1.000
Senior Engineer (Transportation)	1.000	1.000	1.000
Engineer/Senior Engineer (Civil)	1.000	1.000	1.000
GIS Coordinator	1.000	1.000	1.000
<i>(1) Engineer/Senior Engineer (Civil)</i>	<i>0.500</i>	<i>0.500</i>	<i>0.000</i>
Capital Projects Inspector	1.000	1.000	1.000
Senior Projects Engineer	1.000	1.000	1.000
(I) Senior Projects Engineer	1.000	1.000	1.000
Transportation Systems Coordinator	1.000	1.000	1.000
Engineering Construction Inspector	2.000	2.000	2.000
(I) Engineering Construction Inspector	1.000	1.000	1.000
Engineering Technician	1.000	1.000	1.000
Secretary	1.000	0.500	0.500
GIS Specialist	<u>1.000</u>	<u>1.000</u>	<u>1.000</u>
Engineering Subtotal	15.500	15.000	14.500
Community Development Department Total	57.800	57.800	57.300
 Finance Department			
Administration Division			
Business Unit: 10015050			
Finance Director	1.000	1.000	1.000
Administrative Secretary	1.000	1.000	1.000
Pension Administrator	1.000	1.000	1.000
Benefits Specialist, Pension	<u>1.000</u>	<u>1.000</u>	<u>1.000</u>
Administration Subtotal	4.000	4.000	4.000
 Treasury Division			
Business Unit: 10015240			
Treasury Manager	1.000	1.000	1.000
Revenue Services Representative	2.000	2.000	2.000
Financial Analyst	<u>2.000</u>	<u>2.000</u>	<u>2.000</u>
Treasury Subtotal	5.000	5.000	5.000
 Accounting Division			
Business Unit: 10015220			
Accounting Manager	1.000	1.000	1.000
Accountant	3.000	3.000	3.000
Internal Auditor	0.500	0.500	0.500
Accounting Technician	<u>4.500</u>	<u>4.500</u>	<u>4.500</u>
Accounting	9.000	9.000	9.000

2007/2008 PROPOSED FULL-TIME EQUIVALENT EMPLOYEES

Position Title	2006 Amended Midyear	2007 Proposed	2008 Proposed
Accounting Division - Public Safety			
Business Unit: 100152200911			
Accountant	0.500	0.500	0.500
Accounting Technician	<u>1.000</u>	<u>1.000</u>	<u>1.000</u>
Accounting - Public Safety	1.500	1.500	1.500
Accounting Subtotal	10.500	10.500	10.500
Sales Tax Division			
Business Unit: 10015250			
Sales Tax Manager	1.000	1.000	1.000
Sales Tax Audit Supervisor	0.000	1.000	1.000
Sales Tax Auditor	4.000	4.000	4.000
Sales Tax Technician	1.000	1.000	1.000
Revenue Agent	<u>1.000</u>	<u>1.000</u>	<u>1.000</u>
Sales Tax	7.000	8.000	8.000
Sales Tax Division - Public Safety			
Business Unit: 100152500911			
Accountant	<u>0.500</u>	<u>0.500</u>	<u>0.500</u>
Sales Tax - Public Safety	0.500	0.500	0.500
Sales Tax Subtotal	7.500	8.500	8.500
Finance Department Total	27.000	28.000	28.000
Fire Department			
Emergency Services Division			
Business Unit: 10025260			
Fire Chief	1.000	1.000	1.000
Deputy Chief/Administration	1.000	1.000	1.000
Deputy Chief/Technical Services	1.000	1.000	1.000
Battalion Chief	3.000	3.000	3.000
Administrative Secretary	1.000	1.000	1.000
Fire Captain	6.000	6.000	6.000
Fire Lieutenant	15.000	15.000	15.000
Fire Captain / Field Training Officer	1.000	1.000	1.000
Fire Lieutenant/Technical Services Coordinator	1.000	1.000	1.000
Fire Engineer	21.000	21.000	21.000
Firefighter I/II	43.000	43.000	43.000
Secretary	3.000	3.500	3.500
Training Captain	<u>1.000</u>	<u>1.000</u>	<u>1.000</u>
Emergency Services	98.000	98.500	98.500
EMS Section			
Business Unit: 100252600546			
Fire Paramedic	33.000	33.000	33.000
EMS Field Coordinator	3.000	3.000	3.000
EMS Coordinator	<u>1.000</u>	<u>1.000</u>	<u>1.000</u>
EMS	37.000	37.000	37.000
Emergency Services Subtotal	135.000	135.500	135.500

2007/2008 PROPOSED FULL-TIME EQUIVALENT EMPLOYEES

Position Title	2006 Amended Midyear	2007 Proposed	2008 Proposed
Fire Prevention Division			
Business Unit: 100252600547			
Emergency Management Coordinator	1.000	1.000	1.000
<i>Deputy Fire Marshal</i>	<i>1.000</i>	<i>0.000</i>	<i>0.000</i>
Fire Marshal	0.000	1.000	1.000
Fire Plans Examiner/Inspector	1.000	1.000	1.000
Public Information Specialist	2.000	2.000	2.000
Fire Lieutenant/Fire Investigator	<u>1.000</u>	<u>1.000</u>	<u>1.000</u>
Fire Prevention Subtotal	6.000	6.000	6.000
Fire Department Total	141.000	141.500	141.500

***Fire Prevention Specialist is a temporary two year special appointment filled by a Fire Engineer or Fire Paramedic.

General Services Department

Administration Division

Business Unit: 10012050

<i>Deputy City Manager for Administration</i>	1.000	0.000	0.000
Deputy City Manager	0.000	1.000	1.000
Purchasing Officer	1.000	1.000	1.000
Secretary	0.500	0.500	0.500
Administrative Secretary	<u>1.000</u>	<u>1.000</u>	<u>1.000</u>
Administration	3.500	3.500	3.500

Environmental Services Section

Business Unit: 100120500552

Environmental and Administrative Services Officer	1.000	1.000	1.000
Environmental Analyst	<u>1.000</u>	<u>1.000</u>	<u>1.000</u>
Administration - Environmental Services	2.000	2.000	2.000

Volunteer Programs Section

Business Unit: 100120500015

Volunteer Coordinator	1.000	1.000	1.000
Administration - Volunteer Programs	<u>1.000</u>	<u>1.000</u>	<u>1.000</u>
Administration Subtotal	6.500	6.500	6.500

Human Resources Division

Business Unit: 10012060

Human Resources Manager	1.000	1.000	1.000
Human Resources Administrator	1.000	1.000	1.000
Human Resources Analyst/Senior Human Resources Analyst	3.500	3.500	3.500
Human Resources Analyst/HRIS	1.000	1.000	1.000
Human Resources Technician	2.000	2.000	2.000
(I) Secretary	1.000	1.000	1.000
Secretary	<u>1.350</u>	<u>1.350</u>	<u>1.350</u>
Human Resources	10.850	10.850	10.850

2007/2008 PROPOSED FULL-TIME EQUIVALENT EMPLOYEES

Position Title	2006 Amended Midyear	2007 Proposed	2008 Proposed
Building Operations & Maintenance Division			
Business Unit: 10012390			
Facilities Manager	1.000	1.000	1.000
Electromechanic Specialist	1.000	1.000	1.000
HVAC Specialist	1.000	1.000	1.000
<i>Maintenance Coordinator</i>	<i>1.000</i>	<i>0.000</i>	<i>0.000</i>
Foreman	0.000	1.000	1.000
Carpenter	1.000	1.000	1.000
HVAC Technician	1.000	1.000	1.000
Maintenanceworker	1.000	1.000	1.000
Building Repairworker	2.000	2.000	2.000
Crewleader, Custodial	1.000	1.000	1.000
Custodian	0.250	0.250	0.250
Secretary	<u>1.000</u>	<u>1.000</u>	<u>1.000</u>
Building and Operations Subtotal	11.250	11.250	11.250
General Services Department Total	60.326	60.326	60.326
Parks, Recreation and Libraries Department			
Administration Division			
Business Unit: 10050050			
Parks, Recreation and Libraries Director	1.000	1.000	1.000
Regional Parks and Golf Manager	1.000	1.000	1.000
Management Assistant	1.200	1.200	1.200
Administrative Coordinator	1.000	1.000	1.000
Secretary	4.000	4.000	4.000
Applications Specialist	<u>1.000</u>	<u>1.000</u>	<u>1.000</u>
Administration Subtotal	9.200	9.200	9.200
Park Services Division			
Park Services Section			
Business Unit: 10050550			
Park Services Manager	1.000	1.000	1.000
Foreman	2.000	2.000	2.000
Crewleader	4.000	4.000	4.000
Equipment Mechanic	2.000	2.000	2.000
Irrigator I/II	3.000	3.000	3.000
Parkswoker I/II	7.000	7.000	7.000
Electromechanic Specialist	1.000	1.000	1.000
Senior Maintenanceworker	<u>1.000</u>	<u>1.000</u>	<u>1.000</u>
Park Services	21.000	21.000	21.000
Standley Lake Section			
Business Unit: 10050660			
Lake Operations Coordinator	1.000	1.000	1.000
Senior Park Ranger	1.000	1.000	1.000
Park Ranger	<u>1.000</u>	<u>1.000</u>	<u>1.000</u>
Standley Lake	3.000	3.000	3.000

2007/2008 PROPOSED FULL-TIME EQUIVALENT EMPLOYEES

Position Title	2006 Amended Midyear	2007 Proposed	2008 Proposed
Wellness Section			
Business Unit: 100120600544			
Recreation Specialist/Wellness	<u>1.000</u>	<u>1.000</u>	<u>1.000</u>
Human Resources - Wellness	1.000	1.000	1.000
Employee Development and Training Section			
Business Unit: 100120600612			
Employee Development Analyst	<u>2.000</u>	<u>2.000</u>	<u>2.000</u>
Human Resources - Employee Development and Training	2.000	2.000	2.000
Human Resources Division - Public Safety			
Business Unit: 100120600911			
Human Resources Analyst/Recruitment	<u>1.000</u>	<u>1.000</u>	<u>1.000</u>
Human Resources - Public Safety	1.000	1.000	1.000
Human Resources Subtotal	14.850	14.850	14.850
City Clerk's Office			
Business Unit: 10012070			
City Clerk	1.000	1.000	1.000
Print Shop Coordinator	1.000	1.000	1.000
Deputy City Clerk	1.000	1.000	1.000
Switchboard Operator	1.126	1.126	1.126
Press Operator Assistant	1.000	1.000	1.000
Messenger	<u>1.000</u>	<u>1.000</u>	<u>1.000</u>
City Clerk Subtotal	6.126	6.126	6.126
Municipal Court			
Business Unit: 10012130			
Municipal Judge	1.000	1.000	1.000
Associate Judge	0.800	0.800	0.800
Court Administrator	1.000	1.000	1.000
Deputy Court Administrator	1.000	1.000	1.000
Collections Supervisor	1.000	1.000	1.000
Deputy Court Clerk	<u>11.300</u>	<u>11.300</u>	<u>11.300</u>
Municipal Court	16.100	16.100	16.100
Municipal Court - Public Safety			
Business Unit: 100121300911			
Deputy Court Clerk	<u>1.500</u>	<u>1.500</u>	<u>1.500</u>
Municipal Court - Public Safety	1.500	1.500	1.500
Probation Section			
Business Unit: 100121300130			
Probation Services Coordinator	1.000	1.000	1.000
Probation Officer	1.500	1.500	1.500
Deputy Court Clerk	<u>1.000</u>	<u>1.000</u>	<u>1.000</u>
Probation	3.500	3.500	3.500
Probation - Public Safety			
Business Unit: 100121300130911			
Probation Officer	<u>0.500</u>	<u>0.500</u>	<u>0.500</u>
Probation - Public Safety	0.500	0.500	0.500
Municipal Court Subtotal	21.600	21.600	21.600

2007/2008 PROPOSED FULL-TIME EQUIVALENT EMPLOYEES

Position Title	2006 Amended Midyear	2007 Proposed	2008 Proposed
Design/Development Section			
Business Unit: 10050690			
Landscape Architect I/II	2.000	2.000	2.000
Park Supervisor	1.000	1.000	1.000
Equipment Operator I	2.000	2.000	2.000
Equipment Operator II	<u>2.000</u>	<u>2.000</u>	<u>2.000</u>
Design/Development	7.000	7.000	7.000
Parks Services Subtotal	31.000	31.000	31.000
Library Services Division			
Business Unit: 10050620			
Library Services Manager	1.000	1.000	1.000
Librarian I	6.100	6.100	6.100
Librarian II	2.000	2.000	2.000
Library Services Coordinator	5.000	5.000	5.000
Library Supervisor	1.000	1.000	1.000
Library Specialist	1.000	1.000	1.000
Library Associate I/II	8.150	8.150	8.150
<i>Applications Specialist</i>	<i>1.000</i>	<i>0.000</i>	<i>0.000</i>
Library Network Specialist	0.000	1.000	1.000
Secretary	1.000	1.000	1.000
Library Clerk I/II	10.250	10.250	10.250
Library Page	<u>5.700</u>	<u>5.700</u>	<u>5.700</u>
Library Services Subtotal	42.200	42.200	42.200
Recreation Programs Division			
Business Unit: 10050760			
Recreation Services Manager	0.500	0.500	0.500
Recreation Specialist	6.000	6.000	6.000
Recreation Aide	0.000	1.500	1.500
Recreation Programs	6.500	8.000	8.000
Senior Center			
Business Unit: 100507600017			
Recreation Supervisor/Senior Center	1.000	1.000	1.000
Recreation Specialist	1.000	1.000	1.000
Facility Assistant	0.500	0.500	0.500
(I) Facility Assistant	0.500	0.500	0.500
Guest Relations Clerk I/II	0.800	1.000	1.000
(I) Guest Relations Clerk I/II	0.300	0.300	0.300
Custodian	<u>1.000</u>	<u>1.000</u>	<u>1.000</u>
Senior Center	5.100	5.300	5.300
Recreation Programs/Arts Program Section			
Business Unit: 100507600532			
Recreation Aide	1.000	0.500	0.500
Arts Program	1.000	0.500	0.500
Recreation Programs Subtotal	12.600	13.800	13.800

2007/2008 PROPOSED FULL-TIME EQUIVALENT EMPLOYEES

Position Title	2006 Amended Midyear	2007 Proposed	2008 Proposed
Recreation Facilities Division			
Administration Section			
Business Unit: 10050720			
Recreation Services Manager	<u>0.500</u>	<u>0.500</u>	<u>0.500</u>
Administration	0.500	0.500	0.500
Administration/Fitness Section			
Business Unit: 100507200505			
Recreation Specialist	1.000	1.000	1.000
Recreation Aide	<u>0.000</u>	<u>0.500</u>	<u>0.500</u>
Administration/Fitness	1.000	1.500	1.500
City Park Recreation Center			
Business Unit: 100507200860			
Recreation Supervisor/City Park	1.000	1.000	1.000
Recreation Supervisor Assistant	1.000	1.000	1.000
Recreation Specialist	1.000	1.000	1.000
Facility Assistant	3.000	3.000	3.000
Guest Relations Clerk I/II	9.000	7.900	7.900
Custodian	2.500	2.500	2.500
Assistant Pool Manager	2.000	2.000	2.000
Lifeguard/Lead Lifeguard	10.098	9.948	9.948
Recreation Aide	<u>1.500</u>	<u>1.500</u>	<u>1.500</u>
City Park Recreation Center	31.098	29.848	29.848
City Park Fitness Center			
Business Unit: 100507200861			
Recreation Supervisor Assistant	1.000	1.000	1.000
Facility Assistant	1.000	1.000	1.000
Guest Relations Clerk I/II	4.800	4.800	4.800
Custodian	1.000	1.000	1.000
Recreation Aide	<u>0.500</u>	<u>0.500</u>	<u>0.500</u>
City Park Fitness Center	8.300	8.300	8.300
Swim and Fitness Center			
Business Unit: 100507200963			
Recreation Supervisor/Swim Fit	1.000	1.000	1.000
Recreation Specialist	1.000	1.000	1.000
Facility Assistant	1.600	1.600	1.600
Guest Relations Clerk I/II	3.550	3.500	3.500
Custodian	1.250	1.250	1.250
Assistant Pool Manager	2.000	2.000	2.000
Lifeguard/Lead Lifeguard	4.500	5.100	5.100
Recreation Aide	<u>1.000</u>	<u>1.000</u>	<u>1.000</u>
Swim and Fitness Center	15.900	16.450	16.450
West View Recreation Center			
Business Unit: 100507200967			
Recreation Supervisor/West View	1.000	1.000	1.000
Facility Assistant	1.800	1.800	1.800
Recreation Aide	1.500	1.500	1.500
Guest Relations Clerk I/II	3.900	3.900	3.900

2007/2008 PROPOSED FULL-TIME EQUIVALENT EMPLOYEES

Position Title	2006 Amended Midyear	2007 Proposed	2008 Proposed
Custodian	<u>1.000</u>	<u>1.000</u>	<u>1.000</u>
West View Recreation Center	9.200	9.200	9.200
Recreation Facilities Subtotal	65.998	65.798	65.798
Parks, Recreation and Libraries Department Total	160.998	161.998	161.998
Police Department			
Administration Division			
Business Unit: 10020050			
Police Chief	1.000	1.000	1.000
Administrative Coordinator	1.000	1.000	1.000
Senior Management Analyst	<u>1.000</u>	<u>1.000</u>	<u>1.000</u>
Administration Subtotal	3.000	3.000	3.000
Investigations and Technical Services Division			
Administration Section			
Business Unit: 10020300			
Deputy Police Chief/Investigations and Technical Services	1.000	1.000	1.000
Sergeant	1.000	1.000	1.000
Secretary	<u>1.000</u>	<u>1.000</u>	<u>1.000</u>
I.T.S. - Administration	3.000	3.000	3.000
Community Services Section			
Business Unit: 100203000341			
Police Commander	1.000	1.000	1.000
Senior Police Officer	7.000	8.000	8.000
Secretary	<u>1.000</u>	<u>1.000</u>	<u>1.000</u>
I.T.S. - Community Services	9.000	10.000	10.000
Neighborhood Services Section			
Business Unit: 100203000342			
Neighborhood Services Administrator	1.000	1.000	1.000
Code Enforcement Officer	5.000	5.500	5.500
<i>Lead Code Enforcement Officer</i>	<i>1.000</i>	<i>0.000</i>	<i>0.000</i>
Code Enforcement Supervisor	0.000	1.000	1.000
Code Enforcement Technician	1.000	1.000	1.000
Animal Management Supervisor	1.000	1.000	1.000
Animal Management Officer	<u>4.500</u>	<u>4.500</u>	<u>4.500</u>
I.T.S. - Neighborhood Services	13.500	14.000	14.000
Technical Services Section			
Business Unit: 100203000343			
Police Commander	1.000	1.000	1.000
Communications Supervisor	3.000	3.000	3.000
Communications Specialist I/II	24.500	24.500	24.500
Technical Services Coordinator	1.000	1.000	1.000
Secretary	<i>0.800</i>	<i>0.000</i>	<i>0.000</i>
Records Supervisor	<i>1.000</i>	<i>0.000</i>	<i>0.000</i>
Police Records Supervisor	0.000	1.000	1.000
<i>Lead Records Specialist</i>	<i>1.000</i>	<i>0.000</i>	<i>0.000</i>
Lead Police Records Technician	0.000	2.000	2.000
<i>Records Specialist</i>	<i>12.000</i>	<i>0.000</i>	<i>0.000</i>
Police Records Technician	0.000	12.300	12.300
I.T.S. - Technical Services	44.300	44.800	44.800

2007/2008 PROPOSED FULL-TIME EQUIVALENT EMPLOYEES

Position Title	2006 Amended Midyear	2007 Proposed	2008 Proposed
Investigation Services Section			
Business Unit: 100203000344			
Police Commander	1.000	1.000	1.000
Sergeant	4.000	4.000	4.000
Criminalist/Senior Criminalist	4.000	4.000	4.000
Police Officer/Senior Police Officer	32.000	32.000	32.000
Victim Services Coordinator	1.000	1.000	1.000
Victim Advocate	3.000	3.000	3.000
Secretary	1.500	1.500	1.500
Property Evidence Technician	2.000	3.000	3.000
Liquor Investigations Officer	<u>1.000</u>	<u>1.000</u>	<u>1.000</u>
I.T.S. - Investigation Services	49.500	50.500	50.500
Investigations and Technical Services Subtotal	119.300	122.300	122.300
Patrol and Special Operations Division			
Administration Section			
Business Unit: 10020500			
Deputy Police Chief/Patrol Services	1.000	1.000	1.000
Secretary	<u>1.000</u>	<u>1.000</u>	<u>1.000</u>
Administration	2.000	2.000	2.000
Special Operations Section			
Business Unit: 100205000347			
Police Commander	1.000	1.000	1.000
Equipment Services Assistant	1.000	1.000	1.000
Sergeant	<i>1.000</i>	<i>0.000</i>	<i>0.000</i>
Police Officer / Senior Police Officer	<u>5.000</u>	<u>6.000</u>	<u>6.000</u>
Special Operations	8.000	8.000	8.000
Traffic Section			
Business Unit: 100205000348			
Police Commander	1.000	1.000	1.000
Sergeant	2.000	2.000	2.000
Police Officer/Senior Police Officer	17.000	17.000	17.000
Traffic Enforcement Technician	1.000	1.000	1.000
Traffic Accident Investigator	<u>6.000</u>	<u>6.000</u>	<u>6.000</u>
Traffic	27.000	27.000	27.000
Patrol Operations Section			
Business Unit: 100205000349			
Police Commander	3.000	3.000	3.000
Sergeant	12.000	13.000	13.000
Police Officer/Senior Police Officer	89.000	87.000	88.000
Report Specialist	<u>3.000</u>	<u>3.000</u>	<u>3.000</u>
Patrol Operations	107.000	106.000	107.000
Patrol and Special Operations Subtotal	144.000	143.000	144.000
Police Department Total	266.300	268.300	269.300

2007/2008 PROPOSED FULL-TIME EQUIVALENT EMPLOYEES

Position Title	2006 Amended Midyear	2007 Proposed	2008 Proposed
Public Works & Utilities Department			
Street Maintenance Division			
Business Unit: 10035450			
Street Operations Manager	1.000	1.000	1.000
Street Supervisor	2.000	2.000	2.000
Street Inspector	3.000	3.000	3.000
Equipment Operator I	4.000	4.000	4.000
Equipment Operator II	3.000	3.000	3.000
<i>Crewleader</i>	<i>3.000</i>	<i>0.000</i>	<i>0.000</i>
Lead Street Operator	0.000	3.000	3.000
Maintenanceworker/Senior Maintenanceworker	9.000	9.000	9.000
Secretary	1.500	1.000	1.000
Community Services Coordinator	<u>1.000</u>	<u>1.000</u>	<u>1.000</u>
Streets Subtotal	27.500	27.000	27.000
Public Works and Utilities Department Total	27.500	27.000	27.000
Westminster Promenade Activities			
Parks, Recreation and Libraries Department - Parks Promenade			
Business Unit: 100505500106			
(I) Operations Coordinator (PR&L)	1.000	1.000	1.000
(I) Parksworker I/II	3.000	3.000	3.000
(I) Custodian	<u>0.400</u>	<u>0.400</u>	<u>0.400</u>
Parks Promenade Subtotal	4.400	4.400	4.400
Police Department - Investigations & Technical Services Promenade			
Business Unit: 100203000106			
(I) Police Officer/Senior Police Officer	1.000	1.000	1.000
<i>Senior Community Service Officer</i>	<i>1.000</i>	<i>0.000</i>	<i>0.000</i>
CSO Supervisor	0.000	1.000	1.000
Community Service Officer	<u>5.000</u>	<u>5.000</u>	<u>5.000</u>
Police Promenade Subtotal	7.000	7.000	7.000
Promenade Activities Total	11.400	11.400	11.400
Community Development Department			
Westminster Housing Authority			
Business Unit:			
Planner II	<u>1.000</u>	<u>1.000</u>	<u>1.000</u>
Westminster Housing Authority Total	1.000	1.000	1.000
General Fund Total	778.374	783.174	783.674
<u>Utility Fund</u>			
Community Development			
Engineering Division			
Business Unit: 25030380			
GIS Technician	1.000	1.000	1.000
(I) Engineer/Senior Engineer	<u>0.500</u>	<u>0.500</u>	<u>1.000</u>
Engineering	1.500	1.500	2.000
Community Development Department Total	1.500	1.500	2.000

2007/2008 PROPOSED FULL-TIME EQUIVALENT EMPLOYEES

Position Title	2006 Amended Midyear	2007 Proposed	2008 Proposed
Finance Department			
Treasury Division			
Business Unit: 20015240			
<i>Revenue Administrator</i>	1.000	0.000	0.000
Revenue and Banking Administrator	0.000	1.000	1.000
Revenue Services Representative	<u>4.250</u>	<u>4.250</u>	<u>4.250</u>
Finance Department Total	5.250	5.250	5.250
Information Technology Department			
Business Unit: 20060230			
Information Technology Director	1.000	1.000	1.000
Lead Software Engineer	1.000	2.000	2.000
Software Engineering Manager	0.000	1.000	1.000
<i>ERP Software Engineer</i>	1.000	0.000	0.000
Internet Software Engineer	2.000	2.000	2.000
Software Engineer I/II	6.000	5.000	5.000
Senior Telecommunications Administrator	1.000	1.000	1.000
Administrative Secretary	1.000	1.000	1.000
Information Systems Manager	1.000	1.000	1.000
Lead Systems Analyst	2.000	2.000	2.000
Systems Analyst I/II/III	7.200	7.200	7.200
Help Desk Technician	0.900	0.900	0.900
Network Administrator	<u>1.600</u>	<u>1.600</u>	<u>1.600</u>
Information Technology	25.700	25.700	25.700
Information Technology - Public Safety			
Business Unit: 200602300911			
Software Engineer I/II	0.300	0.300	0.300
Systems Analyst I/II/III	0.300	0.300	0.300
Network Administrator	<u>0.400</u>	<u>0.400</u>	<u>0.400</u>
Information Technology - Public Safety	1.000	1.000	1.000
Information Technology Department Total	26.700	26.700	26.700
Public Works and Utilities Department			
Water Administration Division			
Business Unit: 20035050			
Public Works and Utilities Director	1.000	1.000	1.000
<i>Capital Projects and Budget Manager</i>	1.000	0.000	0.000
Administrative Secretary	1.000	1.000	1.000
<i>Engineer/Senior Engineer</i>	2.000	0.000	0.000
<i>(1) Engineer/Senior Engineer</i>	1.000	0.000	0.000
(I) Rocky Flats Coordinator	<u>1.000</u>	<u>0.250</u>	<u>0.250</u>
Water Administration Subtotal	7.000	2.250	2.250

2007/2008 PROPOSED FULL-TIME EQUIVALENT EMPLOYEES

Position Title	2006 Amended Midyear	2007 Proposed	2008 Proposed
Capital Projects and Budget Management Division			
Business Unit: 20035430			
Capital Projects and Budget Manager	0.000	1.000	1.000
Engineer/Senior Engineer	0.000	3.000	3.000
(I) Engineer/Senior Engineer	0.000	1.000	1.000
GIS Specialist	0.000	1.000	1.000
Maintenance Management System Coordinator	0.000	1.000	1.000
(I) Secretary	0.000	1.000	1.000
Secretary	<u>0.000</u>	<u>1.500</u>	<u>1.500</u>
Capital Projects Subtotal	0.000	9.500	9.500
Water Resources and Treatment Division			
Water Resources Section			
Business Unit: 20035480			
Water Resources and Treatment Manager	1.000	1.000	1.000
Engineer/Senior Engineer	2.000	2.000	2.000
Water Resources Engineering Coordinator	1.000	1.000	1.000
Water Resources Technician	1.000	1.000	1.000
(I) Water Resources Analyst	1.000	1.000	1.000
Management Analyst	0.000	1.000	1.000
Official Development Plan Inspector	1.000	1.000	1.000
Reclaimed System Analyst	0.000	1.000	1.000
Secretary	<u>1.000</u>	<u>1.000</u>	<u>1.000</u>
Water Resources	8.000	10.000	10.000
Water Plant Section			
Business Unit: 20035490			
Plant Superintendent (Water)	1.000	1.000	1.000
Electromechanic Specialist	1.000	1.000	1.000
Lead Plant Operator	1.000	1.000	1.000
Plant Operator Trainee - Plant Operator IV	8.000	8.000	8.000
Maintenanceworker/Senior Maintenanceworker	3.000	2.000	2.000
Utilities Technician	0.000	2.000	2.000
Control Systems Engineer/Senior Engineer	<u>0.500</u>	<u>0.500</u>	<u>0.500</u>
Water Plant	14.500	15.500	15.500
Water Quality Section			
Business Unit: 200354800943			
Water Quality Administrator	<u>1.000</u>	<u>1.000</u>	<u>1.000</u>
Water Quality	1.000	1.000	1.000
Business Unit: 200354900943			
Laboratory Analyst	2.000	2.000	2.000
Water Resources Technician	1.000	1.000	1.000
Water Quality Specialist	1.000	1.000	1.000
Laboratory Aide	<u>0.750</u>	<u>0.750</u>	<u>0.750</u>
Water Quality	4.750	4.750	4.750
Water Quality Section	5.750	5.750	5.750

2007/2008 PROPOSED FULL-TIME EQUIVALENT EMPLOYEES

Position Title	2006 Amended Midyear	2007 Proposed	2008 Proposed
Wastewater Plant Section			
Business Unit: 21035490			
Plant Superintendent (Wastewater)	1.000	1.000	1.000
Electromechanic Specialist	1.000	1.000	1.000
Lead Plant Operator	1.000	1.000	1.000
Plant Operator Trainee - Plant Operator IV	8.000	8.000	8.000
Maintenanceworker/Senior Maintenanceworker	1.000	1.000	1.000
Control Systems Engineer/Senior Engineer	<u>0.500</u>	<u>0.500</u>	<u>0.500</u>
Wastewater Plants	12.500	12.500	12.500
Laboratory Services Section			
Business Unit: 210354900943			
Laboratory Services Coordinator	1.000	1.000	1.000
Laboratory Analyst	1.000	1.000	1.000
Water Resources Technician	0.500	1.000	1.000
Water Quality Specialist	<u>1.000</u>	<u>1.000</u>	<u>1.000</u>
Laboratory Services	3.500	4.000	4.000
Biosolids			
Business Unit: 210354900401			
Equipment Operator II	<u>3.000</u>	<u>3.000</u>	<u>3.000</u>
Biosolids	3.000	3.000	3.000
PWU Water Plants/Reclaimed			
Business Unit: 200354900023			
<i>Reclaimed System Analyst</i>	<i>1.000</i>	<i>0.000</i>	<i>0.000</i>
Maintenanceworker/Senior Maintenanceworker	<u>1.000</u>	<u>1.000</u>	<u>1.000</u>
Water Reclaimed	2.000	1.000	1.000
Water Resources and Treatment Subtotal	49.250	51.750	51.750
Utilities Operations Division			
Water Field Operations Section			
Business Unit: 20035470			
Utilities Operations Manager	1.000	1.000	1.000
Utilities Supervisor	1.000	1.000	1.000
<i>Meter Program Specialist</i>	<i>1.000</i>	<i>0.000</i>	<i>0.000</i>
<i>Data Processing Technician</i>	<i>1.000</i>	<i>0.000</i>	<i>0.000</i>
Utilities Systems Specialist	1.000	1.000	1.000
Utilities Technician	1.000	1.000	1.000
Foreman	2.000	1.000	1.000
<i>Meter Technician</i>	<i>2.000</i>	<i>0.000</i>	<i>0.000</i>
Maintenanceworker/Senior Maintenanceworker	3.000	2.000	2.000
<i>Meter Repairworker</i>	<i>4.000</i>	<i>0.000</i>	<i>0.000</i>
<i>Lead Meter Repairworker</i>	<i>1.000</i>	<i>0.000</i>	<i>0.000</i>
Secretary	2.000	2.000	2.000
(I) Maintenanceworker/Senior Maintenanceworker	2.000	2.000	2.000
<i>(I) Secretary</i>	<i>1.000</i>	<i>0.000</i>	<i>0.000</i>
Equipment Operator I	2.000	2.000	2.000
Equipment Operator II	2.000	2.000	2.000

2007/2008 PROPOSED FULL-TIME EQUIVALENT EMPLOYEES

Position Title	2006 Amended Midyear	2007 Proposed	2008 Proposed
Engineer / Senior Engineer	0.000	1.000	1.000
Utilities Operations Coordinator	<u>1.000</u>	<u>1.000</u>	<u>1.000</u>
Water Field Operations	28.000	17.000	17.000
Meter Shop Section			
Business Unit: 200354700402			
Foreman	0.000	1.000	1.000
Lead Meter Repairworker	0.000	1.000	1.000
Meter Technician	0.000	2.000	2.000
Meter Repairworker	<u>0.000</u>	<u>4.000</u>	<u>4.000</u>
Meter Shop	0.000	8.000	8.000
Water Field Operations/Water Line Replacement			
Business Unit: 200354700497			
Equipment Operator I	2.000	2.000	2.000
Equipment Operator II	2.000	2.000	2.000
Maintenanceworker/Senior Maintenanceworker	4.000	4.000	4.000
(I) Maintenanceworker/Senior Maintenanceworker	2.000	2.000	2.000
Foreman	<u>1.000</u>	<u>1.000</u>	<u>1.000</u>
Water Line Replacement	11.000	11.000	11.000
Wastewater Field Operations Section			
Business Unit: 21035470			
Utilities Supervisor	1.000	1.000	1.000
Foreman	2.000	1.000	1.000
<i>Senior Maintenanceworker</i>	<i>1.000</i>	<i>0.000</i>	<i>0.000</i>
Utilities Specialist	1.000	1.000	1.000
Utilities Technician	<u>3.000</u>	<u>3.000</u>	<u>3.000</u>
Wastewater Field Operations	8.000	6.000	6.000
Utilities Operations Subtotal	47.000	42.000	42.000
Public Works and Utilities Total	103.250	105.500	105.500
Utility Fund Total	136.700	138.950	139.450
<u>Fleet Maintenance Fund</u>			
General Services Department			
Fleet Division			
Business Unit: 30012460			
Fleet Manager	1.000	1.000	1.000
Foreman	1.000	1.000	1.000
Mechanic I/II	6.000	6.000	6.000
Senior Maintenanceworker	1.000	1.000	1.000
<i>Applications Specialist</i>	<i>1.000</i>	<i>0.000</i>	<i>0.000</i>
Fleet Specialist	0.000	1.000	1.000
Secretary	1.000	1.000	1.000
Fleet Maintenance	11.000	11.000	11.000
Fleet Division - Public Safety			
Business Unit: 300124600911			
Mechanic I/II	<u>1.000</u>	<u>1.000</u>	<u>1.000</u>
Fleet Maintenance - Public Safety	1.000	1.000	1.000
Fleet Maintenance Fund Total	12.000	12.000	12.000

2007/2008 PROPOSED FULL-TIME EQUIVALENT EMPLOYEES

Position Title	2006 Amended Midyear	2007 Proposed	2008 Proposed
<u>Property Liability Fund</u>			
General Services Department			
Administration/Risk Management Section			
Business Unit: 46010900			
Risk Management Officer	1.000	1.000	1.000
Risk Management Specialist	<u>0.500</u>	<u>0.500</u>	<u>0.500</u>
Administration/Risk Management	1.500	1.500	1.500
 Administration/Risk Management - Public Safety			
Business Unit: 460109000911			
Risk Management Technician	<u>0.500</u>	<u>0.500</u>	<u>0.500</u>
Administration/Risk Management - Public Safety	0.500	0.500	0.500
Property Liability Fund Total	2.000	2.000	2.000
 <u>Medical/Dental Fund</u>			
General Services Department			
Human Resources Division - Benefits			
Business Unit: 49010900			
Benefits Specialist	1.000	1.000	1.000
Human Resources Technician	<u>0.500</u>	<u>0.500</u>	<u>0.500</u>
Medical/Dental Fund Total	1.500	1.500	1.500
 <u>Open Space Fund</u>			
Community Development Department			
Administration - Open Space			
Business Unit: 54010900			
Open Space Coordinator (CD)	1.000	1.000	1.000
Open Space Technician (CD)	<u>0.500</u>	<u>0.500</u>	<u>0.500</u>
Community Development Open Space Subtotal	1.500	1.500	1.500
 Parks, Recreation & Libraries Department			
Administration - Open Space			
Business Unit: 540109000531			
Open Space Volunteer Coordinator	<u>1.000</u>	<u>1.000</u>	<u>1.000</u>
Parks, Recreation and Libraries Open Space Subtotal	1.000	1.000	1.000
Open Space Fund Total	2.500	2.500	2.500
 <u>Community Development Block Grant Fund</u>			
Community Development Department			
Community Development Admin/CD Block Grant			
Business Unit: 76030350			
Community Development Program Coordinator	1.000	1.000	1.000
<i>Secretary</i>	<i>1.000</i>	<i>0.000</i>	<i>0.000</i>
CDBG Technician	<u>0.000</u>	<u>1.000</u>	<u>1.000</u>
Community Development Block Grant Fund Total	2.000	2.000	2.000

2007/2008 PROPOSED FULL-TIME EQUIVALENT EMPLOYEES

Position Title	2006 Amended Midyear	2007 Proposed	2008 Proposed
<u>Golf Course Enterprise Fund</u>			
Parks, Recreation, & Libraries Department			
Golf Course Enterprise Fund/Legacy			
Legacy Ridge Golf Course Maintenance			
Business Unit: 22050720			
Golf Superintendent	0.500	0.500	0.500
Assistant Golf Superintendent	1.000	1.000	1.000
Equipment Mechanic	1.000	1.000	1.000
Golf Irrigator	1.000	1.000	1.000
Golf Worker	2.000	2.000	2.000
Horticultural Specialist	0.500	0.500	0.500
Second Assistant Golf Superintendent	<u>1.000</u>	<u>1.000</u>	<u>1.000</u>
Legacy Maintenance	7.000	7.000	7.000
Legacy Ridge Club House			
Business Unit: 220507200249			
Golf Professional	1.000	1.000	1.000
Assistant Golf Professional	1.000	1.000	1.000
Second Assistant Golf Professional	1.000	1.000	1.000
Guest Relations Clerk I/II	<u>0.500</u>	<u>0.500</u>	<u>0.500</u>
Legacy Club House	3.500	3.500	3.500
Golf Course Enterprise Fund/Legacy Subtotal	10.500	10.500	10.500
Golf Course Enterprise Fund/Heritage			
Heritage Golf Course Maintenance			
Business Unit: 23050720			
Golf Superintendent	0.500	0.500	0.500
Assistant Golf Superintendent	1.000	1.000	1.000
Equipment Mechanic	1.000	1.000	1.000
Golf Irrigator	1.000	1.000	1.000
Golf Worker	2.000	2.000	2.000
Horticultural Specialist	0.500	0.500	0.500
Second Assistant Golf Superintendent	<u>1.000</u>	<u>1.000</u>	<u>1.000</u>
The Heritage Maintenance	7.000	7.000	7.000
The Heritage Club House			
Business Unit: 230507200249			
Golf Professional	1.000	1.000	1.000
Assistant Golf Professional	1.000	1.000	1.000
Second Assistant Golf Professional	1.000	1.000	1.000
Guest Relations Clerk I/II	<u>0.500</u>	<u>0.500</u>	<u>0.500</u>
The Heritage Club House	3.500	3.500	3.500
Golf Course Enterprise Fund/The Heritage Subtotal	10.500	10.500	10.500
Golf Course Enterprise Fund Total	21.000	21.000	21.000
<u>General Capital Improvement Fund</u>			
Parks, Recreation and Libraries Department			
Parks Services - Capital Projects			
Business Unit: 80175050037			
(I) Landscape Architect I/II	<u>1.000</u>	<u>1.000</u>	<u>1.000</u>
	1.000	1.000	1.000

2007/2008 PROPOSED FULL-TIME EQUIVALENT EMPLOYEES

Position Title	2006 Amended Midyear	2007 Proposed	2008 Proposed
Community Enhancement Program			
Business Unit: 80175050132			
(I) Landscape Architect I/II	1.000	1.000	1.000
Park Supervisor	1.000	1.000	1.000
Crewleader	1.000	1.000	1.000
City Forester	1.000	1.000	1.000
Parkswoker I/II	<u>1.000</u>	<u>1.000</u>	<u>1.000</u>
	5.000	5.000	5.000
Parks Services Capital Projects Subtotal	6.000	6.000	6.000
City Manager's Office			
Capital Projects			
Business Unit: 80375005300			
<i>Special Projects Director</i>	<u>0.500</u>	<u>0.000</u>	<u>0.000</u>
City Manager's Office Capital Projects Subtotal	0.500	0.000	0.000
Parks, Recreation and Libraries Department			
Parks Services - Capital Projects			
Park Maintenance (JCOS)			
Business Unit: 80275050512			
Parkswoker I/II	3.000	3.000	3.000
Irrigator I/II	2.000	2.000	2.000
(I) Parkswoker I/II	1.000	1.000	1.000
(I) Crewleader	1.000	1.000	1.000
Crewleader	<u>2.000</u>	<u>2.000</u>	<u>2.000</u>
Jeffco Attributable Share Subtotal	9.000	9.000	9.000
Community Development Department			
Engineering - Capital Projects			
Community Development Project Manager			
Business Unit: 80175030037			
(I) Engineer/Senior Engineer (Civil)	<u>1.000</u>	<u>1.000</u>	<u>1.000</u>
CD Engineering Capital Projects Subtotal	1.000	1.000	1.000
General Capital Improvement Fund Total	16.500	16.000	16.000
OTHER FUND TOTAL	57.500	57.000	57.000
FTE GRAND TOTAL	972.574	979.124	980.124

GENERAL RESERVE FUND

	2005 Actual	2006 Adjusted	2006 Actual (9/1/06)	2006 Estimated	2007 Proposed	2008 Proposed
GENERAL RESERVE FUND						
11010900						
79400 0000 Other Expenditures - Misc	\$0	\$0	\$0	\$0	\$0	\$0
79800 0230 Transfers - Heritage	\$990,857	\$0	\$0	\$0	\$0	\$0
79800 0680 Transfers WEDA	\$0	\$0	\$0	\$0	\$0	\$0
Subtotal	\$990,857	\$0	\$0	\$0	\$0	\$0
79900 0000 Contingency	\$8,344,351	\$8,554,400	\$0	\$8,725,807	\$0	\$0
Subtotal	\$8,344,351	\$8,554,400	\$0	\$8,725,807	\$0	\$0
110.34500 0000 Fund Balance	\$0	\$0	\$0	\$0	\$9,096,654	\$9,487,810
	\$0	\$0	\$0	\$0	\$9,096,654	\$9,487,810
DEPARTMENT TOTAL - ALL FUNDS	\$9,335,208	\$8,554,400	\$0	\$8,725,807	\$9,096,654	\$9,487,810

UTILITY RESERVE FUND

	2005 Actual	2006 Adjusted	2006 Actual (9/1/06)	2006 Estimated	2007 Proposed	2008 Proposed
UTILITY RESERVE FUND						
20510900						
Transfers						
79800 0200 Transfers to Water	\$0	\$0	\$0	\$0	\$3,792,030	\$4,839,040
79800 0210 Transfers Wastewater	\$0	\$0	\$0	\$0	\$333,564	\$1,054,182
Subtotal	\$0	\$0	\$0	\$0	\$4,125,594	\$5,893,222
79900 0000 Contingency	\$9,483,000	\$9,544,850	\$0	\$35,584,367	\$0	\$0
Subtotal	\$9,483,000	\$9,544,850	\$0	\$35,584,367	\$0	\$0
205.34500 0000 Rate Stabilization Reserve Fd Bal	\$0	\$0	\$0	\$0	\$7,221,564	\$7,532,091
205.34500 0751 Capital Project Reserve Fd Bal	\$0	\$0	\$0	\$0	\$25,478,185	\$20,247,022
	\$0	\$0	\$0	\$0	\$32,699,749	\$27,779,113
DEPARTMENT TOTAL - ALL FUNDS	\$9,483,000	\$9,544,850	\$0	\$35,584,367	\$36,825,343	\$33,672,335

GENERAL DEBT SERVICE SCHEDULE

		2007	2008	2009	2010	2011	Outstanding Balance as of 12/31/06 *
Sales & Use Tax	Principal	\$1,640,000	\$1,460,000	\$2,100,000	\$2,210,000	\$2,330,000	\$20,710,555
Revenue Bonds - Streets	Interest	<u>\$1,271,810</u>	<u>\$1,189,810</u>	<u>\$1,116,080</u>	<u>\$1,005,830</u>	<u>\$889,805</u>	<u>\$7,343,871</u>
\$30,190,000; Issued 3/97	Total	\$2,911,810	\$2,649,810	\$3,216,080	\$3,215,830	\$3,219,805	\$28,054,426
Sales & Use Tax	Principal	\$1,175,000	\$1,240,000	\$1,300,000	\$1,370,000	\$1,440,000	\$14,920,000
Revenue Bonds - POST	Interest	<u>\$773,334</u>	<u>\$708,709</u>	<u>\$646,089</u>	<u>\$578,489</u>	<u>\$506,564</u>	<u>\$4,546,709</u>
\$23,350,000; Issued 3/97	Total	\$1,948,334	\$1,948,709	\$1,946,089	\$1,948,489	\$1,946,564	\$19,466,709
Sales & Use Tax	Principal	\$400,000	\$0	\$0	\$0	\$0	\$400,000
Revenue Bonds - POST	Interest	<u>\$22,200</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$22,200</u>
\$2,650,000; Issued 10/99	Total	\$422,200	\$0	\$0	\$0	\$0	\$422,200
Sales & Use Tax	Principal	\$1,355,000	\$1,675,000	\$1,185,000	\$190,000	\$195,000	\$7,125,000
Revenue Refunding Bonds	Interest	<u>\$305,248</u>	<u>\$251,048</u>	<u>\$184,048</u>	<u>\$136,648</u>	<u>\$129,048</u>	<u>\$1,733,890</u>
\$13,275,000; Issued 9/01	Total	\$1,660,248	\$1,926,048	\$1,369,048	\$326,648	\$324,048	\$8,858,890
Sales & Use Tax	Principal	\$630,000	\$650,000	\$670,000	\$690,000	\$715,000	\$13,885,000
Revenue Bonds	Interest	<u>\$650,093</u>	<u>\$631,193</u>	<u>\$610,068</u>	<u>\$587,288</u>	<u>\$561,413</u>	<u>\$6,576,078</u>
\$15,090,000; Issued 12/02	Total	\$1,280,093	\$1,281,193	\$1,280,068	\$1,277,288	\$1,276,413	\$20,461,078
Total Sales & Use Tax	Principal	\$5,200,000	\$5,025,000	\$5,255,000	\$4,460,000	\$4,680,000	\$57,040,555
Debt	Interest	<u>\$3,022,685</u>	<u>\$2,780,760</u>	<u>\$2,556,285</u>	<u>\$2,308,255</u>	<u>\$2,086,830</u>	<u>\$20,222,749</u>
	Total	\$8,222,685	\$7,805,760	\$7,811,285	\$6,768,255	\$6,766,830	\$77,263,304
Less:							
Open Space Fund Portion	Total	\$2,370,534	\$1,948,709	\$1,946,089	\$1,948,489	\$1,946,564	\$19,888,909
Golf Course/ Open Space Fund Portion	Total	\$593,229	\$570,729	\$548,004	\$524,379	\$500,754	\$3,248,669
Total Sales & Use Tax	Principal	\$3,175,000	\$3,335,000	\$3,505,000	\$2,640,000	\$2,790,000	\$38,986,110
Debt paid for via General Debt Service Fund	Interest	<u>\$2,083,922</u>	<u>\$1,951,322</u>	<u>\$1,812,192</u>	<u>\$1,631,762</u>	<u>\$1,482,262</u>	<u>\$15,139,617</u>
	Total	\$5,258,922	\$5,286,322	\$5,317,192	\$4,295,387	\$4,319,512	\$54,125,727

*Some debt issues extend beyond 2011 and the Outstanding column represents projected balances on 12/31/06.

GENERAL FUND LEASE-PURCHASE SCHEDULE

		2007	2008	2009	2010	2011	Outstanding Balance as of 12/31/06 *
Pierce Pumper 2001	Principal	\$40,556	\$0	\$0	\$0	\$0	\$40,556
\$288,476	Interest	<u>\$291</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$291</u>
Purchased 09/01	Total	\$40,846	\$0	\$0	\$0	\$0	\$40,846
Fire Truck 2003	Principal	\$67,297	\$69,482	\$71,738	\$74,068	\$0	\$302,236
\$472,039	Interest	<u>\$8,263</u>	<u>\$6,077</u>	<u>\$3,821</u>	<u>\$1,491</u>	<u>\$0</u>	<u>\$6,568</u>
Purchased 10/03	Total	\$75,559	\$75,559	\$75,559	\$75,559	\$0	\$302,236
Computer Replacement 2004	Principal	\$29,727	\$0	\$0	\$0	\$0	\$29,727
\$344,560	Interest	<u>\$202</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$202</u>
Purchased 3/04	Total	\$29,929	\$0	\$0	\$0	\$0	\$29,929
LED 2004	Principal	\$24,892	\$0	\$0	\$0	\$0	\$24,892
\$143,854	Interest	<u>\$329</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$329</u>
Purchased 6/04	Total	\$25,221	\$0	\$0	\$0	\$0	\$25,221
Replacement Computers 2005	Principal	\$92,326	\$23,584	\$0	\$0	\$0	\$115,910
\$270,000	Interest	<u>\$2,829</u>	<u>\$205</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$3,034</u>
Purchased 4/05	Total	\$95,155	\$23,789	\$0	\$0	\$0	\$118,944
CAD/ RMS 2005	Principal	\$154,364	\$39,431	\$0	\$0	\$0	\$193,795
\$451,425	Interest	<u>\$4,730</u>	<u>\$342</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$5,073</u>
Purchased 4/05	Total	\$159,094	\$39,774	\$0	\$0	\$0	\$198,868
Energy Audit Lease	Principal	\$153,089	\$180,045	\$187,409	\$195,075	\$203,054	\$2,065,529
\$396,932	Interest	<u>\$101,310</u>	<u>\$74,355</u>	<u>\$66,990</u>	<u>\$59,325</u>	<u>\$51,346</u>	<u>\$478,466</u>
Purchased 12/05	Total	\$254,399	\$254,399	\$254,399	\$254,399	\$254,399	\$2,543,995
Fire Truck 2005	Principal	\$51,882	\$54,141	\$56,499	\$58,959	\$61,527	\$347,215
\$396,932	Interest	<u>\$14,053</u>	<u>\$11,793</u>	<u>\$9,436</u>	<u>\$6,975</u>	<u>\$4,408</u>	<u>\$48,394</u>
Purchased 12/05	Total	\$65,935	\$65,935	\$65,935	\$65,935	\$65,935	\$395,609
Total General Lease Debt	Principal	\$614,132	\$366,683	\$315,645	\$328,101	\$264,580	\$3,119,860
	Interest	<u>\$132,005</u>	<u>\$92,771</u>	<u>\$80,246</u>	<u>\$67,790</u>	<u>\$55,753</u>	<u>\$542,354</u>
	Total	\$746,137	\$459,454	\$395,891	\$395,891	\$320,332	\$3,662,214

*Some leases may extend beyond 2011 and the Outstanding column represents projected balances on 12/31/06.

PARKS OPEN SPACE & TRAILS FUND CERTIFICATES OF PARTICIPATION SCHEDULE

		2007	2008	2009	2010	2011	Outstanding Balance as of 12/31/06 *
Open Space Foundation	Principal	\$370,000	\$385,000	\$400,000	\$415,000	\$430,000	\$4,485,000
2006 COPS	Interest	<u>\$193,595</u>	<u>\$178,795</u>	<u>\$163,395</u>	<u>\$147,395</u>	<u>\$130,795</u>	<u>\$1,144,713</u>
\$4,920,000; Issued 4/06	Total	\$563,595	\$563,795	\$563,395	\$562,395	\$560,795	\$5,629,713

NOTE: The COPs are an obligation of the Broomfield-Westminster Open Space Foundation. The City, as a member of the Foundation, has committed open space funds to pay the City's share of the COP obligation.

*The COPs extend beyond 2011 and the Outstanding column represents projected balance on 12/31/06.

GENERAL FUND CERTIFICATES OF PARTICIPATION SCHEDULE

		2007	2008	2009	2010	2011	Outstanding Balance as of 12/31/06 *
Capital Facilities	Principal	\$1,000,000	\$1,045,000	\$1,090,000	\$1,140,000	\$622,430	\$16,852,832
1998 COPS Issued 12/98	Interest	<u>\$597,858</u>	<u>\$554,358</u>	<u>\$507,855</u>	<u>\$458,260</u>	<u>\$972,821</u>	<u>\$13,483,998</u>
\$19,572,341	Total	\$1,597,858	\$1,599,358	\$1,597,855	\$1,598,260	\$1,595,250	\$30,336,830
Ice Centre	Principal	\$460,000	\$480,000	\$505,000	\$530,000	\$555,000	\$11,395,000
1998 COPS Issued 4/98	Interest	<u>\$574,323</u>	<u>\$552,933</u>	<u>\$529,893</u>	<u>\$505,148</u>	<u>\$478,383</u>	<u>\$5,887,380</u>
\$13,995,000	Total	\$1,034,323	\$1,032,933	\$1,034,893	\$1,035,148	\$1,033,383	\$17,282,380
Westminster Blvd	Principal	\$870,000	\$910,000	\$950,000	\$1,010,000	\$1,055,000	\$15,580,000
1999 COPS Issued 8/99	Interest	<u>\$838,859</u>	<u>\$796,664</u>	<u>\$751,164</u>	<u>\$703,664</u>	<u>\$651,144</u>	<u>\$6,611,894</u>
\$19,720,000	Total	\$1,708,859	\$1,706,664	\$1,701,164	\$1,713,664	\$1,706,144	\$22,191,894
Public Safety Building **	Principal	\$705,000	\$730,000	\$760,000	\$795,000	\$830,000	\$16,070,000
2001 COPS Issued 6/01	Interest	<u>\$781,626</u>	<u>\$753,426</u>	<u>\$723,131</u>	<u>\$690,831</u>	<u>\$656,050</u>	<u>\$7,692,359</u>
\$18,740,000	Total	\$1,486,626	\$1,483,426	\$1,483,131	\$1,485,831	\$1,486,050	\$23,762,359
144th Interchange ***	Principal	\$620,000	\$640,000	\$660,000	\$680,000	\$715,000	\$17,130,000
2005 COPS Issued 5/05	Interest	<u>\$752,400</u>	<u>\$732,250</u>	<u>\$711,450</u>	<u>\$690,000</u>	<u>\$659,400</u>	<u>\$8,940,950</u>
\$17,130,000	Total	\$1,372,400	\$1,372,250	\$1,371,450	\$1,370,000	\$1,374,400	\$26,070,950
Total Certificates of Participation Debt	Principal	\$3,655,000	\$3,805,000	\$3,965,000	\$4,155,000	\$3,777,430	\$77,027,832
	Interest	\$3,545,065	\$3,389,630	\$3,223,493	\$3,047,903	\$3,417,797	\$42,616,581
	Total	\$7,200,065	\$7,194,630	\$7,188,493	\$7,202,903	\$7,195,226	\$119,644,413
Less:							
Hyland Hills Share of Ice Centre COP (50%)	Principal	\$230,000	\$240,000	\$252,500	\$265,000	\$277,500	\$5,697,500
	Interest	<u>\$287,161</u>	<u>\$276,466</u>	<u>\$264,946</u>	<u>\$252,574</u>	<u>\$239,191</u>	<u>\$2,943,690</u>
	Total	\$517,161	\$516,466	\$517,446	\$517,574	\$516,691	\$8,641,190
Thornton's Reimbursement of 2005 COPS	Principal	\$620,000	\$640,000	\$660,000	\$680,000	\$715,000	\$17,130,000
	Interest	<u>\$752,400</u>	<u>\$732,250</u>	<u>\$711,450</u>	<u>\$690,000</u>	<u>\$659,400</u>	<u>\$8,940,950</u>
	Total	\$1,372,400	\$1,372,250	\$1,371,450	\$1,370,000	\$1,374,400	\$26,070,950
Net Certificates of Participation Debt	Principal	\$2,805,000	\$2,925,000	\$3,052,500	\$3,210,000	\$2,784,930	\$54,200,332
	Interest	\$2,505,505	\$2,380,915	\$2,247,097	\$2,105,330	\$2,519,207	\$30,731,942
	Total	\$5,310,505	\$5,305,915	\$5,299,597	\$5,315,330	\$5,304,136	\$84,932,274

* Some debt issues extend beyond 2011 and Outstanding represents projected balances on 12/31/06.

** Includes refunding of 2000 COPS Pavillion Issue.

*** Per Intergovernmental Agreement with Thornton, the City will be reimbursed the debt costs on this issue with the 1% Sales Tax revenue sharing component of the agreement.

UTILITY ENTERPRISE FUND DEBT SERVICE SCHEDULE

		2007	2008	2009	2010	2011	Outstanding Balance as of 12/31/06 *
Water Reclamation 1997	Principal	\$649,133	\$675,520	\$696,630	\$723,018	\$749,405	\$8,716,814
\$13,246,525	Interest	\$329,367	\$305,663	\$280,461	\$253,712	\$225,450	\$1,680,415
Issued 03/97	Service Fee	<u>\$105,972</u>	<u>\$105,972</u>	<u>\$105,972</u>	<u>\$105,972</u>	<u>\$105,972</u>	<u>\$1,059,722</u>
	Total	\$1,084,472	\$1,087,155	\$1,083,063	\$1,082,702	\$1,080,827	\$11,456,950
Water Reclamation 1998	Principal	\$207,246	\$212,629	\$218,012	\$223,395	\$228,778	\$2,501,765
\$4,085,697	Interest	\$72,107	\$67,038	\$61,639	\$55,800	\$49,557	\$346,192
Issued 06/98	Service Fee	<u>\$32,686</u>	<u>\$32,686</u>	<u>\$32,686</u>	<u>\$32,686</u>	<u>\$32,686</u>	<u>\$314,599</u>
	Total	\$312,039	\$312,353	\$312,337	\$311,880	\$311,020	\$3,162,555
Water Treatment Plant 2000	Principal	\$671,609	\$685,204	\$706,957	\$734,147	\$755,900	\$11,082,905
\$14,998,357	Interest	\$351,655	\$332,648	\$312,945	\$292,617	\$271,165	\$2,425,312
Issued 05/00	Service Fee	<u>\$119,987</u>	<u>\$119,987</u>	<u>\$119,987</u>	<u>\$119,987</u>	<u>\$119,987</u>	<u>\$1,529,750</u>
	Total	\$1,143,251	\$1,137,839	\$1,139,889	\$1,146,752	\$1,147,052	\$15,037,968
Water & Wastewater 2001	Principal	\$1,520,000	\$1,590,000	\$1,645,000	\$1,710,000	\$1,780,000	\$14,050,000
\$20,990,000	Interest	<u>\$617,540</u>	<u>\$549,140</u>	<u>\$491,900</u>	<u>\$426,100</u>	<u>\$357,700</u>	<u>\$3,048,130</u>
Issued 12/01	Total	\$2,137,540	\$2,139,140	\$2,136,900	\$2,136,100	\$2,137,700	\$17,098,130
Water & Wastewater 2002	Principal	\$295,000	\$305,000	\$320,000	\$330,000	\$345,000	\$6,425,000
Variable Interest Rate	Interest **	\$257,000	\$245,200	\$233,000	\$220,200	\$207,000	\$2,397,200
\$7,490,000	Service Fees	<u>\$22,414</u>	<u>\$21,379</u>	<u>\$20,308</u>	<u>\$19,185</u>	<u>\$18,025</u>	<u>\$204,148</u>
Issued 09/02	Total	\$574,414	\$571,579	\$573,308	\$569,385	\$570,025	\$9,026,348
Wastewater Plant 2005	Principal	\$605,000	\$620,000	\$637,500	\$655,000	\$675,000	\$14,555,000
\$15,440,000	Interest	\$393,138	\$378,158	\$359,732	\$340,786	\$321,320	\$4,026,521
Issued 05/05	Service Fees	<u>\$123,520</u>	<u>\$123,520</u>	<u>\$123,520</u>	<u>\$123,520</u>	<u>\$123,520</u>	<u>\$2,161,600</u>
	Total	\$1,121,659	\$1,121,678	\$1,120,752	\$1,119,306	\$1,119,840	\$20,743,121
Total Utility Enterprise	Principal	\$3,947,987	\$4,088,353	\$4,224,098	\$4,375,559	\$4,534,082	\$57,331,484
Fund Bonded Debt and Notes	Interest	\$2,020,807	\$1,877,847	\$1,739,677	\$1,589,215	\$1,432,192	\$13,923,770
	Service Fees	\$404,579	\$403,544	\$402,473	\$401,350	\$400,190	\$5,269,819
	Total	\$6,373,373	\$6,369,744	\$6,366,248	\$6,366,124	\$6,366,464	\$76,525,072

* Debt issues extend beyond 2011 and the Outstanding column represents projected balances on 12/31/06.

** Assumes 4% interest rate, as projected in the final Bond Solution.

GOLF COURSE ENTERPRISE FUND DEBT SERVICE SCHEDULE

		2007	2008	2009	2010	2011	Outstanding Balance as of 12/31/06 *
Bonded Debt							
Golf Course Revenue Bonds 1998	Principal	\$205,000	\$215,000	\$225,000	\$235,000	\$250,000	\$5,425,000
\$6,300,000	Interest	<u>\$295,313</u>	<u>\$285,165</u>	<u>\$274,415</u>	<u>\$262,940</u>	<u>\$250,250</u>	<u>\$3,063,788</u>
Issued 7/98	Total	\$500,313	\$500,165	\$499,415	\$497,940	\$500,250	\$8,488,788
Total Golf Course Fund	Principal	\$205,000	\$215,000	\$225,000	\$235,000	\$250,000	\$5,425,000
Bonded Debt	Interest	<u>\$295,313</u>	<u>\$285,165</u>	<u>\$274,415</u>	<u>\$262,940</u>	<u>\$250,250</u>	<u>\$3,063,788</u>
	Total	\$500,313	\$500,165	\$499,415	\$497,940	\$500,250	\$8,488,788
Leases							
Golf Carts 2004	Principal	\$103,349	\$26,316	\$0	\$0	\$0	\$129,665
\$399,642	Interest	<u>\$2,696</u>	<u>\$195</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$2,890</u>
Purchased 4/04	Total	\$106,044	\$26,511	\$0	\$0	\$0	\$132,555
Heritage Golf Carts 2006	Principal	\$74,418	\$77,685	\$81,096	\$84,657	\$88,373	\$546,117
\$582,144	Interest	<u>\$22,397</u>	<u>\$19,130</u>	<u>\$15,719</u>	<u>\$12,159</u>	<u>\$8,442</u>	<u>\$83,183</u>
Purchased 6/06	Total	\$96,815	\$96,815	\$96,815	\$96,815	\$96,815	\$629,300
Jefferson County	Interest	<u>\$79,500</u>	<u>\$79,500</u>	<u>\$79,500</u>	<u>\$79,500</u>	<u>\$79,500</u>	<u>\$1,665,000</u>
Airport Land 9/97	Total	\$79,500	\$79,500	\$79,500	\$79,500	\$79,500	\$1,665,000
Total Golf Course Fund	Principal	\$177,766	\$104,002	\$81,096	\$84,657	\$88,373	\$675,782
Lease Debt	Interest	<u>\$104,593</u>	<u>\$98,825</u>	<u>\$95,219</u>	<u>\$91,659</u>	<u>\$87,942</u>	<u>\$1,751,073</u>
	Total	\$282,358	\$202,825	\$176,314	\$176,314	\$176,314	\$2,426,854
Total Golf Course Fund	Principal	\$382,766	\$319,002	\$306,096	\$319,657	\$338,373	\$6,100,782
Debt Service	Interest	<u>\$399,905</u>	<u>\$383,990</u>	<u>\$369,634</u>	<u>\$354,599</u>	<u>\$338,192</u>	<u>\$4,814,861</u>
	Total	\$782,672	\$702,990	\$675,729	\$674,254	\$676,564	\$10,915,642

*Some debt issues and leases extend beyond 2011 and the Outstanding column represents projected balances on 12/31/06.

2007 & 2008 PROPOSED NEW POSITIONS AND ELIMINATIONS

2007 Proposed New Positions and Eliminations

FTE	Position	Department	Division
General Fund - PROPOSED NEW FTE			
1.0	Property Evidence Technician	Police Department	Investigations & Technical Services
0.5	Police Records Technician	Police Department	Investigations & Technical Services
0.5	Secretary	Fire Department	Emergency Services
0.8	Assistant Prosecuting Attorney	City Attorney's Office	Prosecuting
0.5	Legal Secretary	City Attorney's Office	Prosecuting
3.3	<i>public safety tax funded</i>		
1.0	Sales Tax Audit Supervisor	Finance Department	Sales Tax
1.0	Recreation Aide*	Parks, Rec. & Libraries	Recreation Facilities & Programs
2.0	<i>non-public safety tax funded</i>		
5.3	Total Proposed New FTE		
General Fund - PROPOSED FTE TO BE ELIMINATED			
-0.5	Special Projects Director	City Manager's Office	
4.8	FTE Net New - General Fund		
Utility Fund - PROPOSED NEW FTE			
1.0	Senior Engineer	Public Works & Utilities	Capital Project & Budget
1.0	Management Analyst^	Public Works & Utilities	Water Resources and Treatment
0.5	Water Resources Technician	Public Works & Utilities	Water Resources and Treatment
2.5	Total Proposed New FTE		
Utility Fund - PROPOSED FTE TO BE ELIMINATED			
-0.75	Rocky Flats Coordinator	Public Works & Utilities	Administration
1.8	FTE Net New - Utility Fund		
6.55	GRAND TOTAL NET NEW FTE FOR 2007		

* The 1.0 FTE Recreation Aide (two, 0.5 FTE) is proposed as a replacement to four temporary Recreation Aide positions.

^ The Management Analyst position is proposed as a replacement and upgrade to the current Management Intern position.

2008 Proposed New Positions

FTE	Position	Department	Division
General Fund - PROPOSED NEW FTE			
1.0	Police Officer	Police	Patrol
1.0	<i>public safety tax funded</i>		
1.0	FTE Net New - General Fund		
1.00	GRAND TOTAL NET NEW FTE FOR 2008		

GENERAL CAPITAL OUTLAY REPLACEMENT FUND EXPENDITURES

	2005 Actual	2006 Adj (9/1/06)	2006 Actual (9/1/06)	2006 Estimated	2007 Proposed	2008 Proposed
GENERAL CAPITAL OUTLAY RESERVE FUND (GCORF)						
Central Charges						
45010900						
Capital Outlay						
75600 0000 Vehicles	\$0	\$186,100	\$165,375	\$186,100	\$0	\$0
75600 0911 Vehicles PST	\$3,124	\$577,340	\$435,069	\$577,340	\$0	\$0
78400 0000 Int Pay	\$17,905	\$0	\$0	\$0	\$0	\$0
80645010900 8888 Vehicles - General	\$0	\$0	\$0	\$0	\$365,200	\$397,450
80645010911 8888 Vehicles - PST	\$0	\$0	\$0	\$0	\$420,920	\$461,030
80645010921 8888 PC Replacement	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$259,752</u>	<u>\$428,698</u>
Subtotal	\$21,029	\$763,440	\$600,444	\$763,440	\$1,045,872	\$1,287,178
DEPARTMENT TOTAL - ALL FUNDS	\$21,029	\$763,440	\$600,444	\$763,440	\$1,045,872	\$1,287,178



BUDGET MESSAGE

Dear Mayor McNally and City Councillors:

I am pleased to present the Proposed 2007 and 2008 Budgets for the City of Westminster. These budgets are submitted to the Mayor and City Council for your deliberations, which will include the City Council Budget Retreat on September 23, 2006 and consideration of the proposed budgets during the October 9, 2006 City Council Meeting.

This budget document describes the funding for all City programs, capital improvement projects and services that will be provided to Westminster citizens and businesses in 2007 and 2008. This is the third time that the City of Westminster has prepared a biennial budget. The biennial budget continues to serve as a good complement to longer term financial and policy planning much like the City's Five Year Capital Improvement Program and the Strategic Plan.

After the fast-paced growth of the 1990's and with build-out approaching, the City of Westminster continues to transition into a maintenance mode. Sustainability has become and will continue to be a critical focus with the City's programming and budgeting. The local economy continues to fluctuate in irregular and unpredictable ways, while growing retail competition and increasing costs of doing business continue to pressure this organization to maintain current service levels with fewer resources. Moving forward, Staff will continue to develop and implement cost containment measures for operating within the City's revenue reality. City Council and Staff have already taken purposeful steps to improve the efficiency and cost-effectiveness of service delivery, all with very little impact on the quality and quantity of services provided. In fact, City Council and Staff have accomplished a long list of service enhancements and improvements, many of which are highlighted in this document.

Besides sustainability, replacement revenue is another key focus of the City's budgeting for 2007 and 2008. Numerous economic development and redevelopment projects are underway or on line, including The Orchard, The Shops at Walnut Creek, development at 136th Avenue and I-25, and redevelopment at 72nd Avenue and Sheridan. All of these promising projects are crucial to the City's future, but their benefits will not fully materialize in the short term. Due to complicated financings and timing issues associated with actual construction and business openings, the revenues anticipated from these developments will not be fully realized until late 2008 and into 2009. These projects serve the critical purpose of filling the growing gap of declining revenues from the Westminster Mall. Staff is projecting a 10% decrease in revenues from the Westminster Mall in 2006. For both the Proposed 2007 and 2008 Budgets, Staff is assuming an additional 20% reduction at the Mall each year. This amounts to almost a two-million dollar loss in revenue for the City over the 2007/2008 budget period. Staff continues to engage in exploratory discussions regarding options for reinvigorating or redeveloping the Westminster Mall. However, any changes associated with the Mall will have financial implications for City operations and Staff continues to prepare for those possibilities.

Due to the above-mentioned challenges, Staff projected \$2 million of expenses in excess of revenues in the General Fund in 2007 and further financial concerns in 2008. As a result, Staff is recommending several key strategies to address these projected shortfalls, including reducing expenditures, budgeting attrition savings in regular salaries, and proposing revenue enhancements. These strategies are discussed in the Revenues/Expenditures Summary of this Budget Message. It is important to note that none of these strategies require significant reductions in service.

The City of Westminster has successfully negotiated the economic twists and turns of the last several years, and I believe that we will continue to do so in the years to come. I remain confident that the committed team of City Council and Staff will continue to deliver exceptional value and quality of life to Westminster's residents, businesses and visitors. This budget is the City's financial plan for the next two

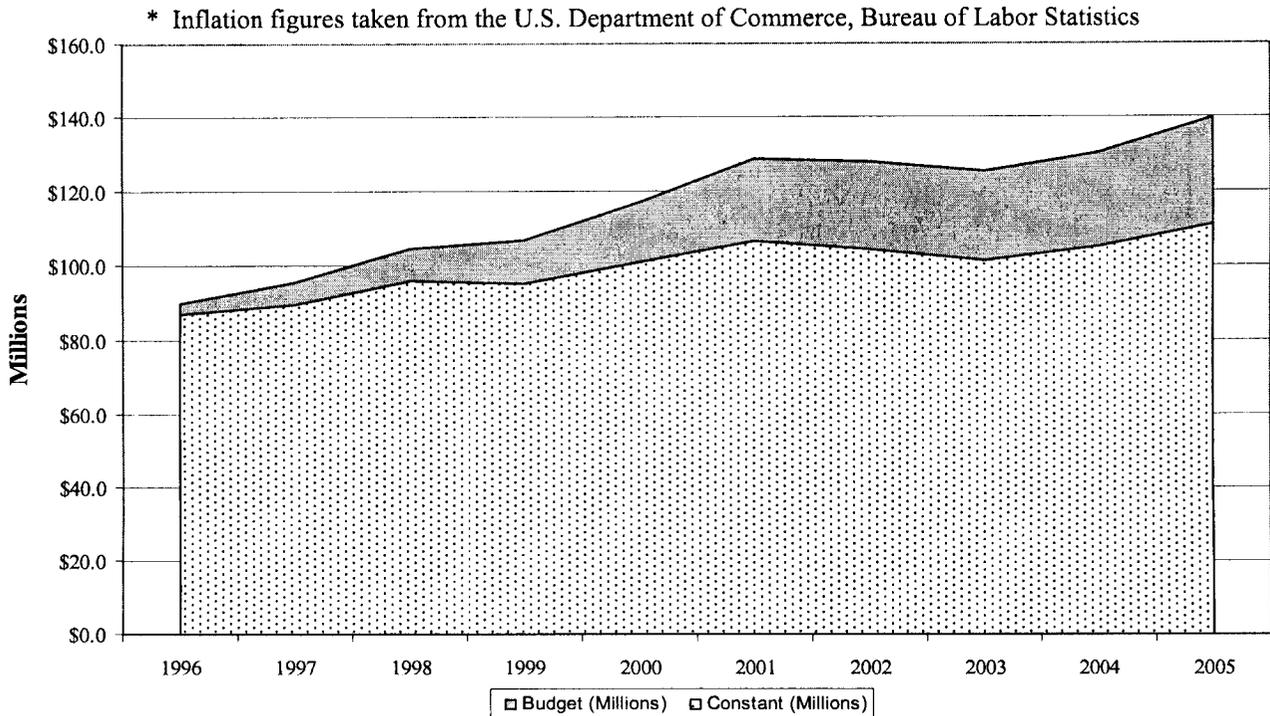
years, and will support basic government services such as road maintenance, water, sewer, transportation improvements, parks and recreation, police, fire and library services. The proposed budgets continue to foster a strong retail base, healthy reserve funds, local government innovation and excellent community amenities. In this budget message, I will cover the following items:

- ✦ **Budget History**: delivers a brief Budget history and discusses recent Budget highlights
- ✦ **Strategic Plan and City Council Goals**: identifies City Council’s goals established in its Strategic Plan and highlights how the Proposed 2007 and 2008 Budgets work to achieve these goals
- ✦ **Performance Measures**: provides a brief explanation of the City’s program, which furthers its commitment to innovation, self-improvement, accountability and open communication
- ✦ **Tax Comparisons**: provides property tax and sales tax comparisons to other Front Range communities
- ✦ **Revenues and Expenditures Overview**: discusses expenditure reductions, revenue enhancements and revenue/expenditure summary information about the City’s various funds
- ✦ **Other Proposed Budget Highlights**: features a summary of capital outlay, staffing and the Capital Improvement Program.

BUDGET HISTORY

The information below depicts the City of Westminster’s Budget history between 1996 and 2005. The top line of the graph indicates the Budget in actual dollars, while the lower line represents the same Budget restated in dollars constant of 1996 purchasing power. In other words, the lower line removes inflation and represents only real growth in Budget values. Based on constant dollars, the City’s Budget grew by 27.8% over the 10 year period shown below. (For the same period, inflation grew by 26%)

Total Budget: Budget Versus Constant Dollars



	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Budget (Millions)	\$89.9	\$95.7	\$104.8	\$106.8	\$117.1	\$128.7	\$128.0	\$125.3	\$130.2	\$139.8
Constant (Millions)	\$86.8	\$89.6	\$95.9	\$95.3	\$100.9	\$106.5	\$104.4	\$101.2	\$105.1	\$110.9



In October 2004, City Council adopted the 2005/2006 Biennial Budget. Departments prepared their 2005/2006 proposed budgets with a 1% increase from their reduced 2004 budgets (with the exception of the Police and Fire Departments, who had an increase of 1% on their original General Fund budget and 3% on their public safety tax budget). It should be noted that Departments primarily utilized the 1% increase in each year as an effort to return funding levels back to prior years. Clearly the 1% did not allow a full return to prior year funding levels in all accounts.

In November 2003, Westminster voters approved a 0.6% sales and use tax for the purposes of enhancing public safety. The public safety tax (PST) came into effect in January of 2004, and produced net revenues of \$10 million in 2004 and \$10.4 million in 2005. These resources have allowed the City’s Police and Fire Departments to focus on four key areas: response times, crime prevention, firefighting capacity, and overall ability to respond to police and fire service events. In 2005, the City fulfilled its promise to the citizens by completing the hiring of 40 personnel in the Police Department and 35 personnel in the Fire Department. In addition to this initial significant increase in police and fire personnel, an additional 9.6 FTE have been added in 2005 and 2006 for public safety. Thanks to these staffing and equipment enhancements, the Fire Department has achieved a 55% reduction in call processing times and a 17% reduction in total response times, while the Police Department has reduced its call processing times by 37% and lowered its total response times by 8%.

STRATEGIC PLAN AND CITY COUNCIL GOALS

In April, City Council reviewed and recommitted the City organization to the five-year Strategic Plan for the City of Westminster. The 2007-2011 Strategic Plan identifies the City’s underlying principles on which decisions should be based and includes goals to be achieved through 2011. Each goal is further defined by a set of objectives and short-term actions to be taken to achieve the associated goal. The Strategic Plan reinforces long-term planning for both operating (day-to-day operations and services) and capital (long-term investment projects such as road construction, water distribution and sewer maintenance) programs. As a statement of City Council’s goals and vision for the City, the Strategic Plan helps Staff successfully plan City projects and budgets to achieve this vision and associated goals.

The goals, and the associated objectives, are listed below:

Financially Sound City Government

- ✦ Revenues to maintain and expand city services based upon community need
- ✦ Maintain sufficient reserves: General and Utility Funds
- ✦ Well-maintained City infrastructure and facilities
- ✦ Effective cost containment/control measures for living within revenues and budget
- ✦ Balance between core services and adequate resources



Safe and Secure Community

- ✦ Managed disaster mitigation, preparedness response, recovery
- ✦ Safe public gathering places and secure City facilities
- ✦ Citizens are safe anywhere in the City
- ✦ Timely response to emergency calls
- ✦ Citizens taking responsibility for their own and community safety and well-being
- ✦ Expand community safety, public education, prevention and outreach



Vibrant Neighborhoods and Commercial Areas

- ✦ Rehabilitation of deteriorating commercial areas
- ✦ Citizens taking responsibility for their neighborhoods
- ✦ Maintained and improved neighborhood infrastructure
- ✦ Revitalization plans developed and implemented
- ✦ Appropriate infill, upgrading the quality of neighborhoods
- ✦ Preservation and restoration of historic assets



Balanced, Sustainable Local Economy

- ✦ Healthy retail base, increasing sales tax receipts
- ✦ Attracting new targeted businesses, focusing on primary employers and higher paying jobs
- ✦ Business-oriented mixed use development along I-25 and US 36 corridors
- ✦ Retention and expansion of current businesses
- ✦ Transportation systems that provide access to shopping, to employment centers



Beautiful City

- ✦ Increase green space (parks, open space, etc.)
- ✦ Expanded, developed and well-maintained parkland
- ✦ Well-designed and maintained City facilities
- ✦ Increased public and cultural arts
- ✦ Attractive, low water use landscaping
- ✦ Well-designed and maintained private development



The Proposed 2007 and 2008 Budgets were developed in support of City Council’s goals and objectives stated in the Strategic Plan. The following presents selected examples on how the Proposed 2007/2008 Budget works to achieve Council’s Strategic Plan:

Financially Sound City Government - 2007/2008 Actions:

- Continue to examine ways to deliver City services in the most efficient manner possible.
- Hire Sales Tax Auditor Supervisor position to collect taxes owed to the City (an additional \$200,000/year in audit revenues).
- Continue to develop a General Fund Fiscal Model to help forecast revenues and expenditure needs.
- Implement water/wastewater rate and tap fee increases to assist in needed maintenance and enhancements to the City’s water, wastewater, and reclaimed water systems.
- Oversee the implementation of the recently completed Utility Fund Fiscal Model, including the creation of a Rate Stabilization Reserve, an Operating Reserve, and a Capital Project Reserve.
- Install a new anti-virus tool and anti-spyware software to protect City data and financial information.

Safe and Secure Community - 2007/2008 Actions:

- Develop and implement the Northeast Police Deployment Plan for the north I-25 corridor and The Orchard development area, which includes the opening and outfitting of a northeast police substation.
- Replace dollars spent on speed detection devices and other equipment with dollars spent for improved traffic enforcement in neighborhoods.
- Continue to implement the Drive Wise Program to increase neighborhood traffic safety.
- Develop and commence a Fire Department Citizen Academy and continue other public safety outreach and education programs.
- Expand and replace rescue and emergency equipment on front line apparatus to enhance emergency preparedness and ability to respond to emergency events.
- Increase prosecution staff and equipment to respond to increased police and Municipal Court activity.



Vibrant Neighborhoods and Commercial Areas - 2007/2008 Actions:

- Continue South Westminster Revitalization Program and plan for Westminster City Center redevelopment.
- Implement South Sheridan Urban Renewal area improvements to enhance neighborhood infrastructure.
- Pursue townhome infill projects in South Westminster to improve the quality of neighborhoods.
- Work to preserve and restore the recent Metzger Farm open space acquisition, an important open space and historical asset to the community.
- Improve water pressure in various parts of the City through enhancements to the water distribution system, including the replacement of water lines and the addition and enhancement of pump stations.
- Expand the volunteer program to support graffiti removal and the cleanup of trails and roads.

Balanced, Sustainable Local Economy - 2007/2008 Actions:

- Work on redevelopment efforts with the Westminster Mall.
- Achieve build-out at The Shops at Walnut Creek and continue development of The Orchard.
- Explore the possibility of marketing and selling City-owned properties on US 36, including the development of business parks to foster additional primary jobs in the City.
- Review the North I-25 Plan to ensure good conditions for business-oriented mixed-use development.
- Continue participation in US 36 Colorado Department of Transportation (CDOT) and FasTracks planning to advocate for Westminster's interests.
- Complete additional arterial roadway improvements that allow for improved transportation to shopping and employment centers.

Beautiful City - 2007/2008 Actions:

- Construct the new Big Dry Creek Community Park located at 128th Avenue and Big Dry Creek and the Cheyenne Ridge Neighborhood Park.
- Complete park renovations and improvements at Oakhurst Park, Torii Square Park, Nottingham Park, Squires Park, England Park, Cotton Creek Park, Windsor Park, Chelsea Park, and Municipal Park.
- Renovate and improve the Municipal Service Center to make the facility more efficient and functional.
- Continue to operate and maintain the City's 6 million gallon per day Reclaimed Water Treatment Facility and expand the number of users of the system.
- Continue to support site specific designs for residential and commercial developments throughout the City.
- If passed by voters, utilize resources generated by the extension of the Parks, Open Space and Trails (POST) Sales and Use Tax to issue bonds for additional open space acquisition, park development, recreation facility renovations and maintenance.

PERFORMANCE MEASURES

As evidence of the City's commitment to innovation, self-improvement, accountability and open communication, City Staff continues to integrate performance measurement into the management of City operations and utilizes performance measures in determining Staff's success in meeting City Council's goals. The City of Westminster has been a member of the International City and County Management Association (ICMA) Center for Performance Measurement (CPM) since 2002. Utilizing national comparative data through CPM and regional data through professional associations, Staff has developed meaningful measures that assist managers in evaluating and directing City programs.

Staff will present to City Council the *Take a Closer Look* report in November 2006, providing City Council performance measurement data that is specific to the City of Westminster and incorporates comparative data from other cities. Staff will include the City's 2006 performance measurement report, *Take a Closer Look: How Performance Measures Build a Better City*, in the final printed 2007/2008 Adopted Budget document.

TAX COMPARISONS

Based on results of the 2006 Citizen Survey, the City of Westminster continues to rank above the national average in quality of community and quality of service. 93% of respondents rated the quality of life in Westminster as “very good” or “good.” For the first time in 2006, residents were asked if they received good value for the City taxes they pay. 67% of residents “strongly agreed” or “somewhat agreed” that they receive good value for the taxes they pay. This rating places Westminster well above the national average (91st percentile).

Property Tax

The City’s property tax mill levy continues to be one of the lowest among Front Range cities. The property tax mill levy rate of 3.65 mills is maintained in the Proposed 2007 and 2008 Budgets at the 2006 level. These are the fifteenth and sixteenth consecutive years that the City’s mill levy has been at 3.65 mills. Below is a property tax comparison to 11 Front Range communities. Some of the cities listed use special districts to provide some of the services that the City of Westminster, a full service city, provides to its residents. For simplicity, only fire district mill levies are included along with municipal levies for those municipalities that do not provide fire protection services. This table includes figures that represent the portion of the homeowner’s property tax bill that goes towards municipal services and fire protection. The City of Westminster continues to have one of the lowest mill levies in the State of Colorado.

2006 Property Tax Rate Comparisons

City	City Levy	Fire Protection District Levy*	City and Fire Levy	Property Taxes \$250,000 Home
Northglenn	11.597	8.635	20.232	\$402.62
Broomfield (City)	11.457	8.635	20.092	\$399.83
Fort Collins	9.797	9.301	19.098	\$380.05
Lakewood	4.711	11.458	16.169	\$321.76
Littleton	6.662	7.678	14.340	\$285.37
Arvada	4.310	9.480	13.790	\$274.42
Longmont	13.420	-	13.420	\$267.06
Boulder	11.981	-	11.981	\$238.42
Aurora	10.958	-	10.958	\$218.06
Thornton	10.210	-	10.210	\$203.18
Loveland	9.564	-	9.564	\$190.32
Westminster	3.650	-	3.650	\$72.64

*Northglenn, Broomfield, Fort Collins, Lakewood, Arvada, and Littleton use fire protection districts to provide fire suppression services to their residents. (Northglenn and Broomfield utilize North Metro Fire and Rescue District; Fort Collins utilizes Poudre Valley Fire Protection District; Lakewood utilizes West Metro Fire Protection District; Arvada utilizes Arvada Fire Protection District; Littleton utilizes Littleton Fire Protection District)



While property taxes are projected to comprise less than 5% of General Fund revenues in 2007 and 2008, this revenue source is anticipated to grow. Staff has assumed approximately 400 new housing starts, which is 20% less than those anticipated in 2005 and 2006. The following chart shows that after 2001, the City's assessed valuation has increased modestly, a sign of slowing growth and the approach of build out. Once again, this reality places a critical focus on sustainability, maintenance, and redevelopment.

Changes in Assessed Valuation: 2000 to 2005

Year	Estimated Actual Value	Assessed Value	\$ Change	% Change
2000	\$5,951,705,000	\$822,090,000	-	-
2001	\$7,574,685,000	\$1,007,762,000	\$185,672,000	22.59%
2002	\$7,832,372,840	\$1,047,062,660	\$39,300,660	3.90%
2003	\$8,226,682,716	\$1,088,134,727	\$41,072,067	3.92%
2004	\$9,393,919,467	\$1,097,211,450	\$9,076,723	0.83%
2005	\$9,863,023,263	\$1,154,570,230	\$57,358,780	5.23%

Sales and Use Tax

The City's total sales and use tax rate is comprised of three components: general, POST (parks, open space and trails), and public safety. A breakdown is provided below:

Westminster Sales/Use Tax Rate	
General	3.00%
Open Space	0.25%
Public Safety	0.60%
Total City Rate	3.85%

Sales and use tax remains the City's largest General Fund revenue source. In 2007 and 2008, sales and use tax is projected to comprise about 62% of General Fund revenues. While the City's total sales and use tax rate appears above the average in the Front Range, it still remains very competitive. Below is a comparison to the same 11 Front Range communities that were highlighted previously. The table below only highlights general, POST and public safety tax rates (if applicable).

2006 Sales Tax Rate Comparisons

City	Municipal Sales Tax Rate	Municipal Sales Tax Paid on \$50 Purchase
Broomfield (City)	4.15%	\$2.08
Northglenn	4.00%	\$2.00
Westminster	3.85%	\$1.93
Aurora	3.75%	\$1.88
Thornton	3.75%	\$1.88
Boulder	3.41%	\$1.71
Arvada	3.21%	\$1.61
Fort Collins	3.00%	\$1.50
Loveland	3.00%	\$1.50
Littleton	3.00%	\$1.50
Lakewood	3.00%	\$1.50
Longmont	2.95%	\$1.48



REVENUES AND EXPENDITURES OVERVIEW

While several potential economic development projects help to brighten the City's financial outlook, the revenues anticipated from these developments will not be fully realized until late 2008 and into 2009. Plus, for both the Proposed 2007 and 2008 Budgets, Staff is assuming a 20% reduction in revenue at the Westminster Mall each year. This amounts to almost a two-million dollar loss in revenue for the City over the 2007/2008 budget period. Accordingly, this leaves all of 2007 and a majority of 2008 facing financial challenges. Increasing costs to do business continue to pressure this organization to keep up with current service levels with fewer resources. The following chart shows just a small selection of cost increases experienced by the City over the last several years.

Changes in Selected Costs: 2001 to 2005

Actual Expenditure	2001	2005	\$ Change	% Change
Medical/Dental Insurance	\$4,340,233	\$7,178,316	\$2,838,083	65.39%
Property/Liability Costs	\$512,488	\$1,599,363	\$1,086,875	212.08%
Electricity and Gas	\$1,990,628	\$2,803,432	\$812,804	40.83%
Fuel and Lubricants	\$264,456	\$647,716	\$383,260	144.92%

Expenditure Reductions and Revenue Enhancements

During the Budget development process, Staff projected \$2 million of expenses in excess of revenues in the General Fund in 2007 and further financial concerns in 2008. Based on Council feedback, Staff is recommending several key strategies to address this shortfall. First, Staff plans to implement numerous expenditure reductions in 2007 and 2008. Reductions include the elimination of employees' ability to cash out floating holidays, elimination of the City's on-line training program, discontinuation of the police reserve program, elimination of the City's cost allocation study, revision to call-out protocols for snow removal, and the combination of the 4th of July Celebration and the Westminster Faire. In addition, Staff is proposing to budget \$1 million in attrition savings in regular salaries. From 2003-2005, the City has averaged \$1.6 million annually in savings in regular salary accounts due to staff turnover and position vacancies. 2007 is the first year that Staff has budgeted for attrition. None of these reductions will have significant service impacts associated with them.

In addition to the expenditure reductions, Staff is proposing several key revenue enhancements:

- ✦ Creation of a new infrastructure fee of \$3.00 per month for each business and residence - This fee would include \$1.00 per month for concrete expenses (a \$0.50 per month increase over the current fee) and \$2.00 per month to cover approximately 50% of the City's current street light expenses. This new fee would replace the existing concrete fee and appear as a single line item on utility bills commencing in 2007.
- ✦ Creation of a new \$10 user fee for the Large Item Trash Pick-Up program - This fee is proposed for 2007 and will help offset the \$180,000 projected cost of the program by \$70,000 in user fees, assuming that 7,000 residents continue to participate in the program.
- ✦ Increase the Stormwater Drainage Fee from base rate of \$1.50/month to \$3.00/month - This fee increase is proposed for 2008. More information on this item can be found below under the Stormwater Drainage Fund section.

Proposed Expenditures Summary

Departments prepared their 2007 proposed budgets with a 0% increase from their Amended 2006 Budgets (with the exception of the Police and Fire Departments, who had an increase of 2% over their 2006 budgets due to the public safety sales tax, and the Utility Fund operations, who had an increase of 2% over their 2006 budgets due to water sales and system repair and replacement needs). Some adjustments were permitted for contractual expenses, such as electricity and natural gas increases, but the 0% increase over

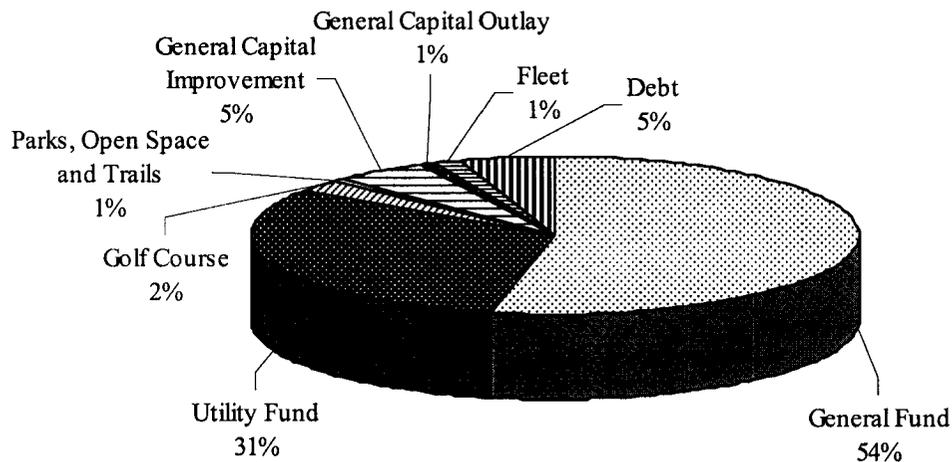


2006 certainly has made it more challenging for Departments to absorb increased costs of providing services.

Departments prepared their 2008 proposed budgets with a 1% increase from their 2007 budgets (with the exception of the Police and Fire Departments, who had an increase of 2% over their 2007 budgets due to the public safety sales tax, and the Utility Fund operations, who had an increase of 2% over their 2007 budgets due to water sales and system repair and replacement needs). Some adjustments were permitted for contractual expenses, such as electricity, natural gas, fuel, and water increases.

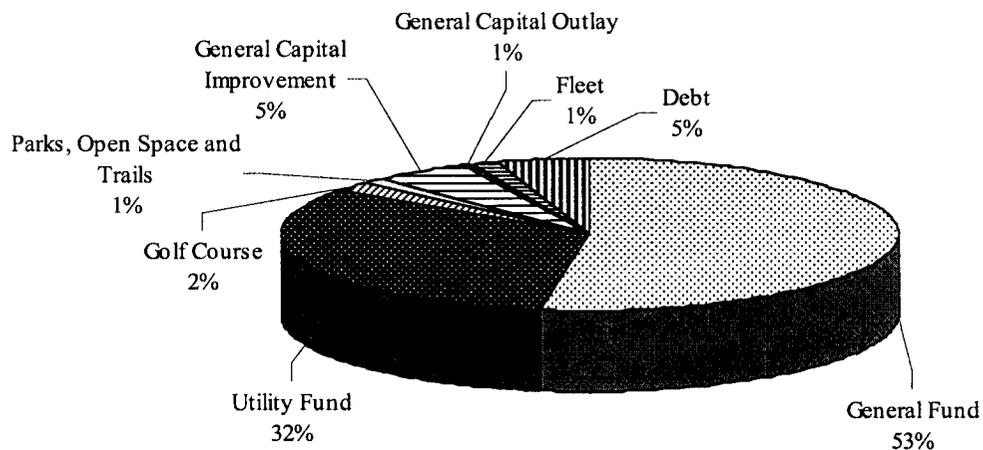
The total Proposed 2007 Budget is \$160,102,717 exclusive of \$45,542,419 in reserves and \$1,000,000 in contingencies. The amount in reserve includes the General and Utility Reserve Funds and the contingency amount includes the General Fund contingency.

2007 Proposed Budget Summary: Expenditures For All Funds



The total Proposed 2008 Budget is \$166,636,641, exclusive of \$41,217,454 in reserves and \$1,000,000 in contingencies. The amount in reserve includes the General and Utility Reserve Funds, along with the Debt Service Fund. The contingency amount includes the General Fund contingency.

2008 Proposed Budget Summary: Expenditures For All Funds



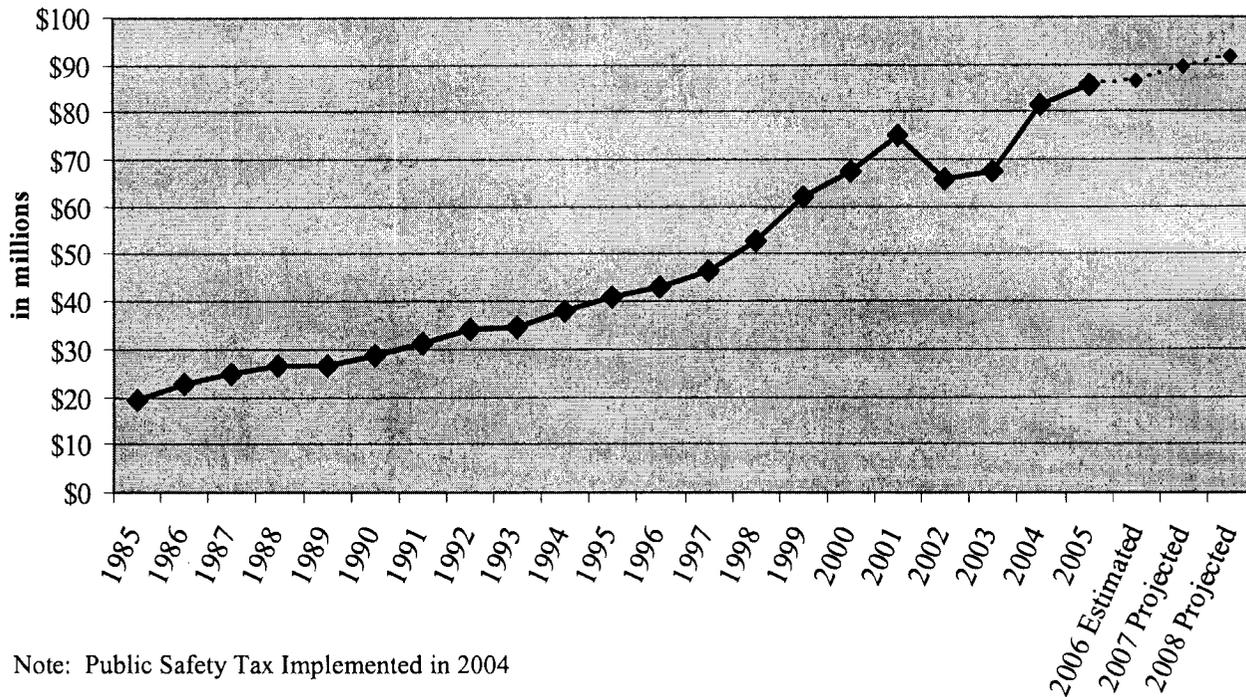


Fund Overview

General Fund

The General Fund is the City’s primary operating fund and provides revenues for public safety, streets, community development, parks, recreation, libraries and other general government services. 2004 was the first year of implementation for the voter-approved 0.6% public safety tax (PST). Ultimately, these revenues are transferred to the General Fund, General Capital Outlay Replacement Fund or the General Capital Improvement Fund for public safety expenditures. Considering the significant drop off in sales and use tax collections between 2001 and 2002 coupled with the fact that the City has yet to return to 2001 general sales tax revenue levels, the PST has allowed the City to continue to provide basic services while expanding public safety. Without the PST, the City would have likely had to cut other services significantly just to maintain public safety services. The importance of the PST can be seen in the chart below, which highlights all revenues flowing to the General Fund.

General Fund Revenues: 1985 - 2008

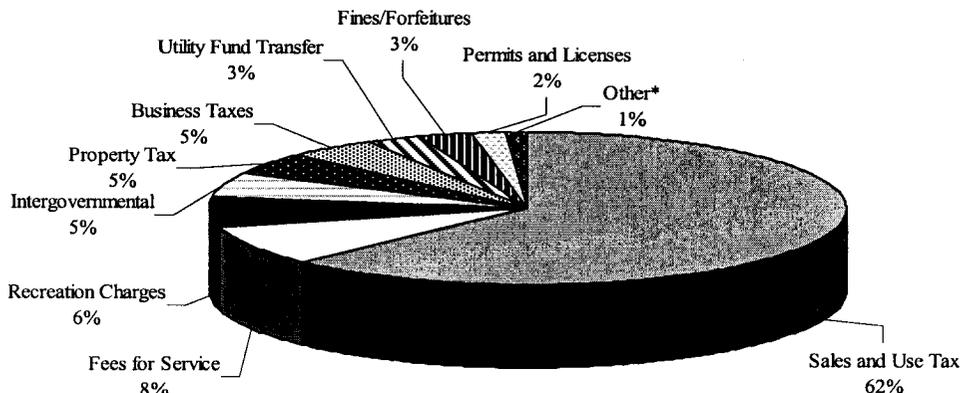


Note: Public Safety Tax Implemented in 2004

General Fund revenue is projected at \$89,302,120 for 2007, which is a 3.0% increase over the 2006 estimated revenue of \$86,702,066 (which excludes \$7.4 million of carryover). This change is due to the projected slight increase in Sales and Use Tax revenue to be transferred to the General Fund, projected increases in revenue from fees, charges, property tax and a slight increase in the transfer payment from the Utility Fund for services provided by General Fund Departments.



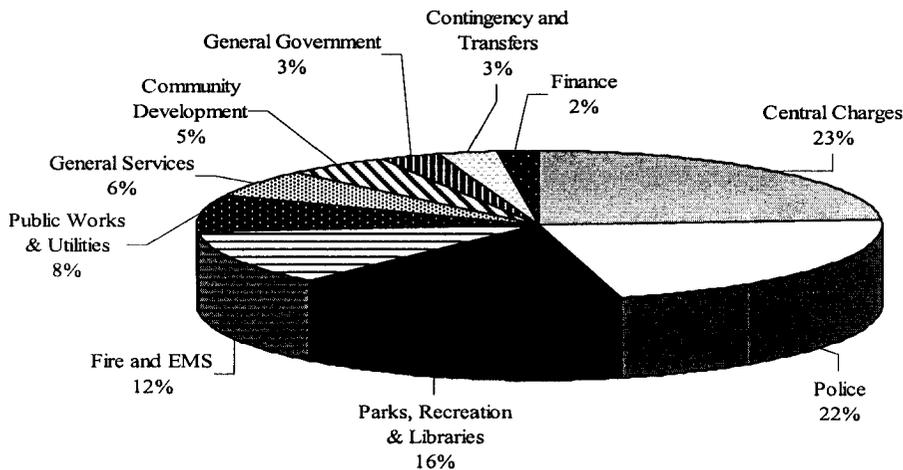
2007 Proposed General Fund Revenues by Source



* "Other" includes Admissions Tax, Interest Income, Reimbursements and Contributions

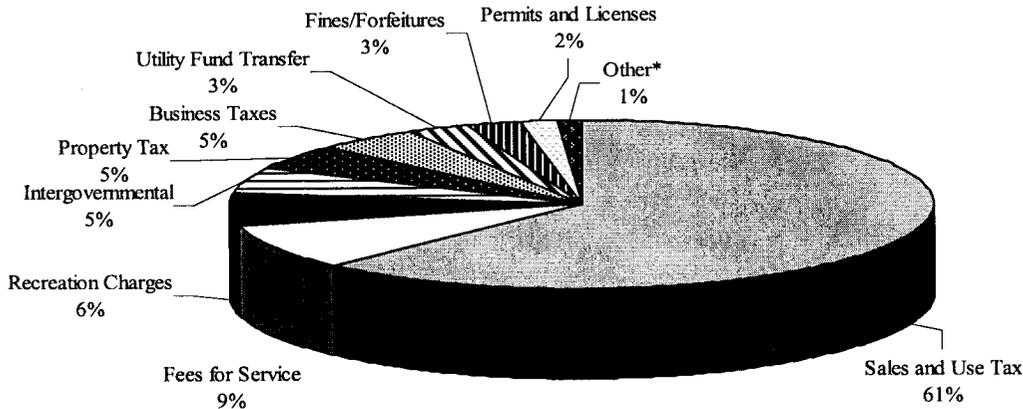
The total 2007 proposed expenditures for the General Fund are \$89,302,120, which is a decrease of 1.6% from the 2006 estimated expenditure level of \$90,729,360. This proposed budget includes all transfer payments and a contingency amount of \$1.0 million. Contingency funds will be used to address any unanticipated expenses due to a variety of factors during the year. In 2007, as federal funding to the Community Development Block Grant (CDBG) program continues to be reduced, the City's General Fund begins to absorb the staffing costs previously paid for by CDBG. The City experienced a 10% reduction in CDBG funding in 2006; it is projected that an additional 10% reduction will occur in 2007, resulting in the General Fund absorbing \$16,472 previously paid by CDBG for staffing.

2007 Proposed General Fund Expenditures



The Proposed 2008 Budget provides for General Fund revenue projected at \$91,669,769 which is a 2.7% increase over 2007 projected revenue. This change is primarily due to the projected increases in the revenue sources discussed above, along with the anticipated success of several economic development projects.

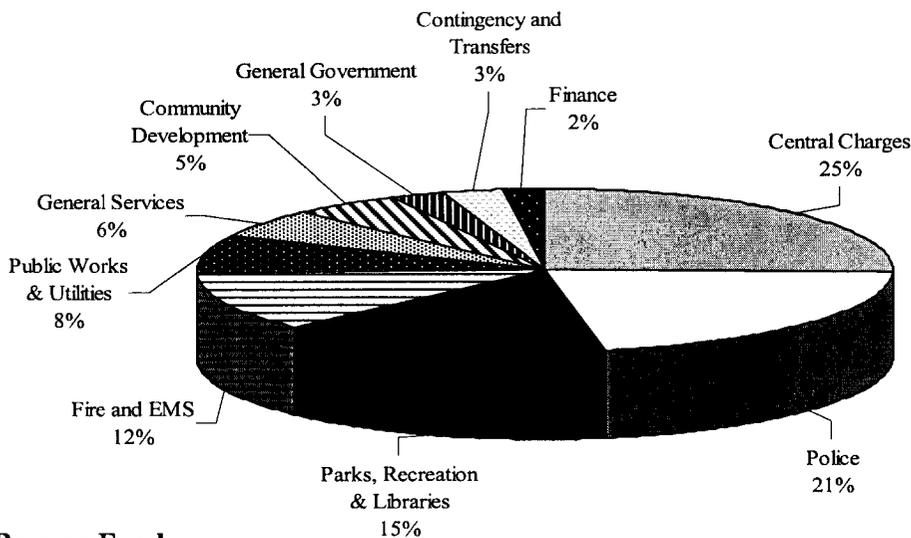
2008 Proposed General Fund Revenues by Source



* "Other" includes Admissions Tax, Interest Income, Reimbursements, and Contributions

Total proposed 2008 expenditures for the General Fund are \$91,669,769, which is an increase of 2.7% over the Proposed 2007 Budget. This proposed budget includes all transfer payments and a contingency amount of \$1.0 million. Again in 2008, additional costs previously charged to CDBG will be absorbed by the General Fund. An additional 10% reduction of CDBG funds over 2007 is projected; this results in a total of \$29,891 of CDBG costs being shifted to the General Fund for salaries and supplies (net increase of \$13,419 over 2007).

2008 Proposed General Fund Expenditures



General Reserve Fund

The General Reserve Fund is intended to act as a source of funds for unusual, unanticipated one-time expenditures and for emergencies. A fund total of \$8,554,400 was projected in the Adjusted 2006 Budget.

In 2007, a fund total of \$9,096,654 is proposed, which includes expected interest to be earned from fund investments during 2007. The proposed 2007 General Reserve Fund is a 4.3% increase over the estimated year-end total 2006 Reserve Fund of \$8,725,807 and represents 10.3% of the total 2007 proposed General Fund expenditures, excluding contingency. In 2008, the General Reserve Fund is proposed at \$9,487,810 and represents a 4.3% increase over the proposed 2007 General Reserve Fund. The 2008 General Reserve Fund represents 10.5% of the total proposed General Fund expenditures for that year. These funds also serve to keep the City in compliance with Article X, Section 20 of the Colorado State Constitution, which requires setting aside 3% of fiscal spending into a reserve.



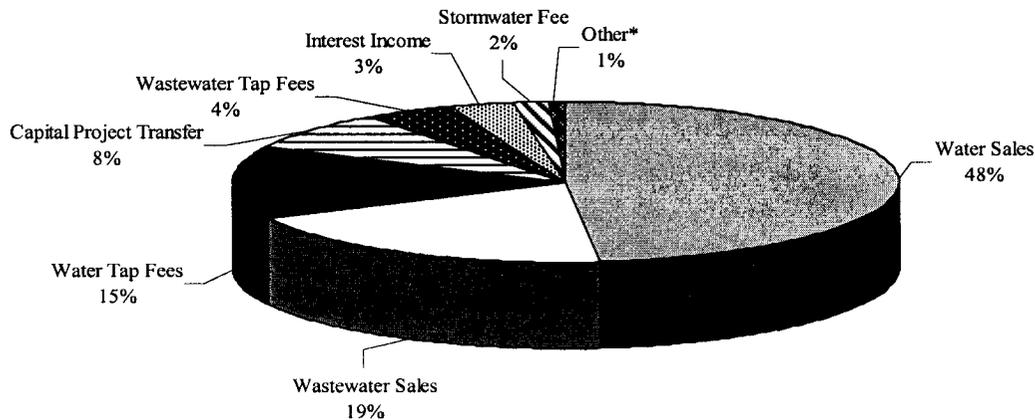
Utility Enterprise Fund

Based upon the City Council adopted strategy to cover all operational and capital costs of the City’s water and wastewater utilities by 2015, water and sewer rate increases will be implemented commencing in 2007 and 2008. Water rates will be increased by 4.12% in 2007 and 2.74% in 2008, while sewer rates will increase by 12.0% in 2007 and 6.5% in 2008. The sewer rates are being adjusted more significantly to reflect recent major infrastructure investments including the \$44 million dollar expansion and upgrade of the Big Dry Creek Wastewater Treatment Facility. The combined increase for water and sewer rates for the typical residential customer is 6.92% in 2007 and 4.06% in 2008. For a single family home, this amounts to an average monthly increase of \$3.48 from 2006 to 2007, and a \$2.29 average monthly increase from 2007 to 2008.

This rate increase will allow the City to address its critical water and wastewater infrastructure needs while providing for long-term system sustainability. Staff is proposing 33 capital improvement projects totaling \$19,167,000 related to water (\$14,287,000), wastewater (\$4,236,000), and stormwater (\$644,000) utilities in 2007. In 2008, 30 capital projects totaling \$22,074,000 are proposed (water: \$15,385,000, wastewater: \$5,425,000, stormwater: \$1,264,000). These crucial projects include water and sewer line replacement, water meter and transponder replacement, and pump system improvement and replacement. Please see the Capital Improvement Program Section of this Budget for more detailed information.

The total Utility Enterprise Fund revenue is projected at \$53,056,737 for 2007, which represents a 7.8% increase from the 2006 estimated revenue of \$49,209,302 (which excludes carryover).

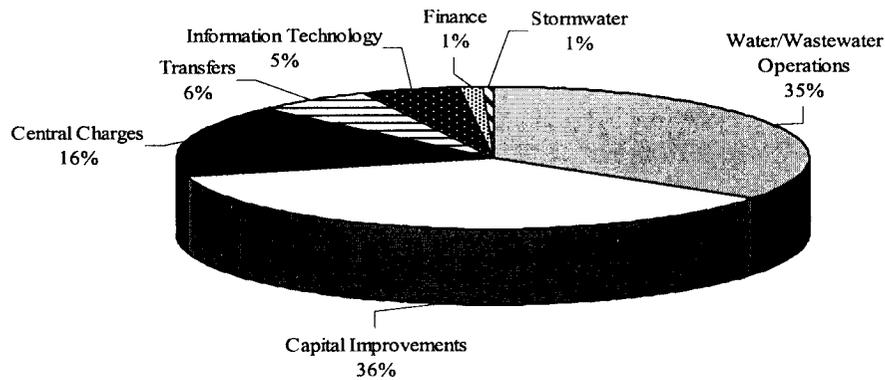
2007 Proposed Utility Fund Revenues by Source



* “Other” includes Contractor’s License Fees and Miscellaneous Income

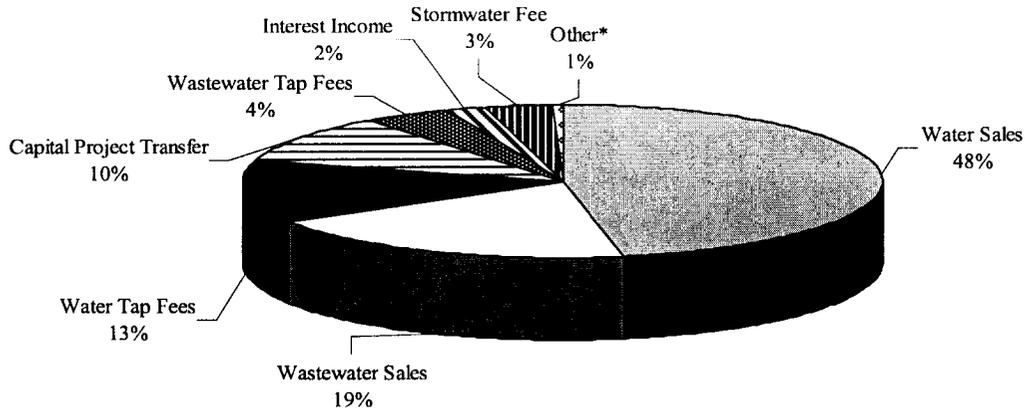
Expenditures for the proposed 2007 Utility Enterprise Fund budget total \$53,056,737, which is an increase of 23.2% from the 2006 estimated level of \$43,079,223, excluding carryover. This increase is due to Staff’s proposed aggressive Capital Improvement Program focused on the repair and replacement of the City’s water and wastewater system to ensure high quality and reliable service. The Utility Enterprise Fund is comprised of both water and wastewater operations, stormwater drainage services, and capital improvements. The Utility Enterprise Fund Capital Improvements “pay as you go” projects are proposed at \$19,167,000 for the 2007 fiscal year, which is included in the total proposed Utility Enterprise Fund budget.

2007 Proposed Utility Fund Expenditures



The total Utility Enterprise Fund revenue is projected at \$57,033,549 for 2008, which represents a 7.5% increase from the 2007 projected revenue.

2008 Proposed Utility Fund Revenues by Source

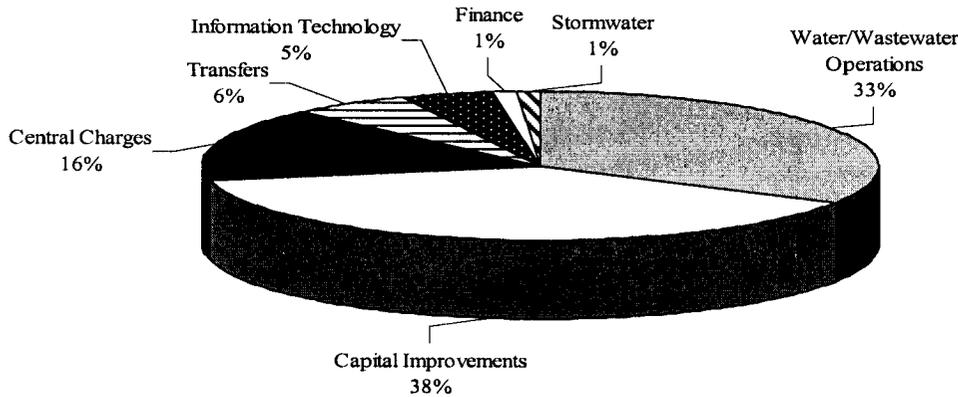


* "Other" includes Contractor's License Fees and Miscellaneous Income.

The total proposed 2008 Utility Enterprise Fund Budget is \$56,955,607, which is an increase of 7.3% from the Proposed 2007 Budget. The Utility Enterprise Fund Capital Improvements "pay as you go" projects are proposed at \$22,074,000 for the 2008 fiscal year, which is included in the total proposed Utility Enterprise Fund budget.



2008 Proposed Utility Fund Expenditures



Stormwater Drainage Fund

Managed as a sub - fund of the Utility Enterprise Fund, the stormwater drainage fund has allowed the City to operate and maintain the City’s drainage systems, complete drainage projects, and comply with the federally mandated National Pollution Discharge Elimination System (NPDES) requirements for stormwater drainage. Staff is recommending that Stormwater Drainage Fee be increased from \$1.50 to \$3.00 per month, effective January 1, 2008. The Stormwater fee has not increased since its inception in 2001. Staff research indicates that the current residential fee is the lowest and the commercial fee is the fourth lowest in the Front Range area. Even with the proposed increase for 2008, Westminster will be the fourth lowest for residential rates and sixth lowest for commercial rates of the 15 cities surveyed. The proposed fee increase would generate an increase of \$920,000 in revenue commencing in 2008.

If approved by Council, the proposed fee increase would fund the implementation of drainage improvements for flood control, the retrofitting of existing detention ponds for water quality, street sweeping activities for water quality purposes, and the updating of the storm sewer system in older portions of the City. Staff recommends completing an update of the 1989 drainage master plan during the fall of 2006 and spring of 2007; Staff will return to Council at the mid-year Budget review in September of 2007 with specific project amendments based on the master plan to the Capital Improvement Program (CIP) in the Adopted 2008 Budget. Staff recommends a fund total of \$920,100 in 2007, and \$1,840,000 in 2008. These amounts are included within the totals presented under the Utility Enterprise Fund section. The fund total in 2007 represents a 0.2% increase over the 2006 estimated revenues, and the 2008 fund total represents a 100% increase over 2007.

Utility Reserve Fund

Beginning in 2007, the Utility Reserve Fund is recommended to be split into three main components: Operating, Rate Stabilization and Capital Projects. City Council will review these proposed fiscal policies in more detail at the September 12 Study Session. The Operating Reserve would function to ensure adequate cash-flow to meet day-to-day expenses. The targeted minimum balances are 45 days (12.3%) of operating expenses for the water utility and 30 days (8.2%) for the wastewater utility. The Operating Reserves are projected to be \$3,746,016 in 2007 and \$3,823,958 in 2008. These funds are represented in the Budget Summary By Fund as Beginning and Ending Balances for the Utility Enterprise Fund in the Revenues and Expenditures Summary section of this document. The Rate Stabilization Reserve would offset revenue risk associated with low water demand years. If revenues did not materialize to fund expenses, the use of this reserve would “normalize” revenues without the need to increase rates. The recommended minimum balance is 25% of projected rate revenue for the water utility, and 5% of projected rate revenue for the wastewater utility. The Capital Projects Reserve would function as a source for new or replacement assets and emergency funding for repair. The Capital Project Reserve balance would be relatively high in periods of low investment

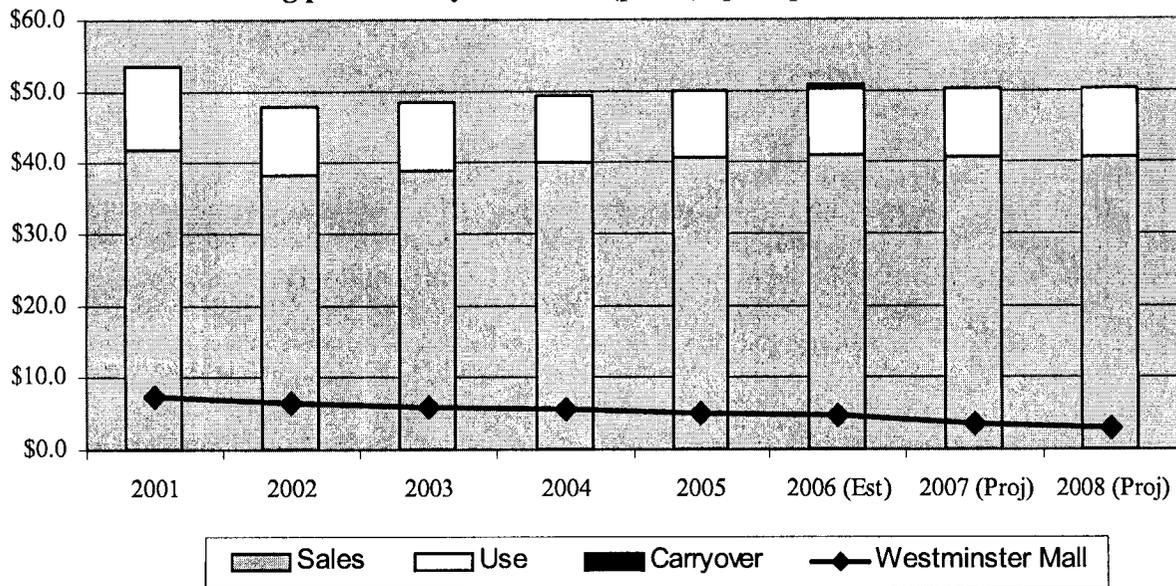
and relatively low in periods of high investment. Pursuant to the proposed fiscal policies that will be reviewed in September, \$4,125,594 is proposed to be allocated from the Capital Reserve Fund in 2007 to help pursue an aggressive Utility Fund Capital Improvement Program (CIP). In 2008, the transfer from the Capital Reserve Fund to the Utility Fund CIP is proposed at \$5,893,222.

A total of \$7,221,564 in 2007 and \$7,532,091 in 2008 is proposed for the Rate Stabilization Reserve. In 2007, \$25,478,185 is proposed for the Capital Projects Reserve; \$20,247,022 is proposed in 2008. The Rate Stabilization and Capital Project Reserves total \$32,699,749 in 2007 and \$27,779,113 in 2008.

Sales and Use Tax Fund

Recovery from the economic downturn has been mixed for Front Range communities and continues to proceed slowly for Westminster. Excluding the public safety tax, which the City implemented in 2004, total sales and use tax revenue collections in 2005 were 7.6% or approximately \$4 million below the 2001 actual revenue level. This reality is evidence of continued instability in the economy and increased retail competition in the surrounding metropolitan area. As visible from the chart below, sales tax collections continue a slow recovery from the significant drop in 2002. Additionally, the decline of the Westminster Mall revenue collections from its peak in 2001 is also reflected.

Sales and Use Tax Revenue 2001 - 2008
 excluding public safety and POST (parks, open space and trails) tax



2004 was the first year of implementation for the voter-approved 0.6% public safety tax (PST). The tax produced net revenues of \$10 million in 2004 and \$10.4 million in 2005. Service enhancements related to these revenues were discussed briefly in the Budget History section of this Budget Message. The implementation of this sales tax increase has enabled the City to provide for public safety services at a service level desired by citizens during a challenging economic period without significantly reducing other City services. Considering the significant drop off in sales and use tax collections between 2001 and 2002 coupled with the fact that the City has yet to return to 2001 revenue levels, the PST has allowed the City to continue to provide basic services while expanding public safety. Without the PST, the City would have likely had to cut other services significantly just to maintain public safety services. Adding or enhancing public safety services would have been extremely difficult.



Numerous economic development and redevelopment projects are underway, but their benefits will not fully materialize in the short term due to complicated financings and timing issues associated with actual construction and business openings. Therefore, Staff is projecting modest increases in sales tax revenue over the next two years. The Sales and Use Tax Fund revenue is projected to be \$61,645,254 in 2007, which is a 0.4% decrease from the 2006 estimated revenue of \$61,923,277. Sales tax returns, which constitute the largest share of the Sales and Use Tax Fund revenues, are projected to be \$49,548,374 for 2007; this is a slight decrease of 0.02% from the 2006 estimated sales tax returns of \$49,560,610.

The 2007 Sales and Use Tax Fund contains a \$55,760,254 transfer to the General Fund, which is less than a 0.01% increase over the 2006 estimated transfer of \$55,756,916. In addition, this fund includes a transfer of \$500,000 to the General Capital Improvement Fund, a transfer to the Debt Service Fund totaling \$5,100,000, and a transfer to the Golf Course Enterprise Fund totaling \$285,000.

The 2008 Sales and Use Tax Fund revenue is projected to be \$63,228,969 which is a 2.6% increase from the 2007 projected revenue. Sales tax returns are projected to be \$50,882,383 for 2008; an increase of 2.7% over the projected 2007 returns.

The 2008 Sales and Use Tax Fund contains a \$57,243,969 transfer to the General Fund, which is a 2.7% increase over the 2007 transfer. This fund also includes a transfer of \$500,000 to the General Capital Improvement Fund, a transfer to the Debt Service Fund totaling \$5,200,000 and a transfer to the Golf Course Enterprise Fund of \$285,000.

Parks, Open Space, and Trails (POST) Fund

As with the Sales and Use Tax Fund, increases are projected for the Parks, Open Space and Trails (POST) Fund in 2007 and 2008 primarily due to the opening of new retail developments along the north I-25 corridor, in south Westminster, and at The Shops at Walnut Creek. POST sales and use tax proceeds are not captured within urban renewal areas or economic development agreements, which is why the POST Fund revenues outpace the Sales and Use Tax Fund. The total POST Fund is projected at \$4,958,779 for 2007, which is 9.1% over the 2006 estimate of \$4,543,152, excluding \$1.1 million of carryover, and includes a \$481,044 transfer to the General Capital Improvement Fund for park development as authorized by the Westminster voter-approved City Sales and Use Tax POST Fund split. Also included is a 2007 transfer of \$2,968,229 to debt service. Included in the transfer to debt service amount are payments on the \$23 million Parks, Open Space and Trails (POST) bond issue authorized by the voters in 1996, the 1999 POST bond issue, and debt payments for the Legacy Ridge Golf Course. New in 2007, a transfer payment of \$163,200 is included to The Heritage Golf Course to help offset its debt service. Additional information on this transfer is included in the Golf Course Enterprise Fund within this Budget Message.

The total POST Fund is projected at \$5,336,876 for 2008, which is 7.6% over the projected total for 2007 and includes a \$838,643 transfer to the General Capital Improvement Fund for park development. Also included is a transfer of \$2,543,229 to debt service. The 1999 POST bond will be paid off during 2007, freeing resources towards land acquisition and park development. Again in 2008, a transfer payment to The Heritage Golf Course is proposed to offset its debt service in the amount of \$182,150.

In addition, the POST Fund will begin reflecting the annual certificate of participation (COPs) payments for the Metzger Farm open space that was acquired in 2006. In 2007, the COP payments total \$565,595 and in 2008 total \$565,795. However, in both years, Staff is proposing to utilize the \$125,000 from Adams County open space attributable share back to the City (reflected in the Capital Improvement Program proposed budget) towards the Metzger Farm acquisition. In 2008, the POST fund will also commence repayment of open space acquisitions made by the Westminster Economic Development Authority (WEDA) at Walnut Creek. In 2008, \$184,466 is proposed to be repaid towards the total \$584,466 purchase. It is anticipated that the land will be paid off in 2010.



Per Council direction, Staff is preparing a measure that will be placed on November's ballot that, if approved, would extend the existing 0.25% POST sales and use tax until 2032. The proposed extension will allow the City to bond for accelerated open space acquisition before land is no longer available and accelerate park development and recreation facility renovations throughout the City. Funds have been set aside in the land acquisition account in the POST Fund and Parks and Recreation Capital Reserve in the General Capital Improvement Fund to offset future debt service payments should the bond measure pass.

Debt Service Fund

The Debt Service Fund addresses the City's non-Utility Fund debt payments. The 2007 proposed expenditure level of \$8,223,735 reflects payments on the following items: the 1997 and 1999 POST Open Space Bonds, the 1997 Streets Bond, the 2001 Bond for 112th Avenue Improvements, and the 2002 Issue for the I-25 and 136th Avenue Interchange. The detailed Debt Service Schedule is presented in the Revenues and Expenditures Summary section of the Budget.

The 2008 proposed expenditure level of \$7,806,660 will provide another year of payments on these debt issues. This amount is a reduction of approximately \$417,000 as a result of retiring the 1999 POST bond issue in 2007.

General Capital Improvement Fund

The General Capital Improvement Fund (GCIF) includes proposed funding for all 2007 and 2008 capital improvement projects, with the exception of utility system improvements budgeted in the Utility Enterprise Fund. 33 GCIF capital improvement projects are proposed in 2007 at a cost of \$8,145,000. None of the 2007 proposed capital improvement program (CIP) will be debt financed. The total proposed GCIF for 2008 is \$8,434,000 and will fund 32 projects, 100% of which are proposed on a "pay-as-you-go" basis.

Overall, the City will be able to continue an aggressive CIP as a result of the ongoing revenue stream produced by one-time revenue sources such as building and use taxes and park development fees. This fund also benefits from the City's share of Conservation Trust Funds (Lottery proceeds), Adams County Road Tax and continued growth in the Jefferson County Open Space attributable share, the City's Parks, Open Space and Trails (POST) Sales and Use Tax, and the Adams County Open Space Sales and Use Tax. Descriptions of all proposed 2007 and 2008 General Capital Improvement Fund projects are presented in the Capital Improvement Program section of this Budget. Revenue for this fund is shown in the Revenues and Expenditures Summary section. A sampling of GCIF projects is also described in the other highlights section of this Budget Message that follows.

Westminster Economic Development Authority Fund

The Westminster Economic Development Authority (WEDA), the City's Urban Renewal Authority, enables the City to use tax increment financing for needed re-development throughout the City. Westminster's City Council serves as the Board of Directors for WEDA, although the Authority acts in a separate capacity from the City. Current projections reflect a \$5,618,245 budget for 2007 and \$8,256,419 for 2008 primarily for debt service; however, these figures will be finalized and reviewed with the WEDA Board in October.

In May of 2005, the City and WEDA closed on the financing that is allowing the development of The Orchard in the North Huron Urban Renewal Area. The Orchard is a first class, regional retail and mixed use development located on 215 acres on the west side of Interstate I-25 from 144th to 150th Avenue. WEDA issued \$68.3 million in tax increment finance bonds to fund the costs of public improvements associated with The Orchard, including improvements to Huron Street, a key intersection and the interchange at 144th Avenue and I-25. In addition, WEDA will continue to make debt service payments in 2007 and 2008 on the

1997 bond issue for the construction of the Westminster Plaza on the northwest corner of 72nd Avenue and Federal Boulevard, along with the 2003 bond issue for public improvements to The Shops at Walnut Creek



area at US 36 and Church Ranch Boulevard. WEDA is also anticipating the pursuit of financing in early 2007 for street improvements and architectural wall installation in the 72nd Avenue and Sheridan Urban Renewal Area. WEDA contributions for this project will be leveraged with impact fees collected from development to install these public infrastructure improvements.

Golf Course Enterprise Fund

Staff has already taken purposeful steps to help address concerns raised by the City's auditors about golf course operations and balancing expenditures against revenues. These steps have included actions to help better manage debt incurred for the original construction of the golf courses. Currently, all of the Legacy Ridge Golf Course debt (\$593,229 in 2007 and \$570,729 in 2008) is paid for in the Debt Service Fund from Parks, Open Space and Trails (POST) Fund moneys earmarked for parks and recreation facilities. The Heritage Golf Course debt (\$500,463 in 2007 and \$500,315 in 2008) must remain within the Golf Course Fund as a result of how the debt was issued. The Sales and Use Tax Fund offsets The Heritage debt service payments with a transfer payment of \$285,000 in 2006 and is proposed to continue in both 2007 and 2008. In efforts to address the balance of the debt service associated with The Heritage, Staff is proposing to utilize an additional portion of the POST Fund moneys earmarked for parks and recreation facilities in the amount of \$163,200 in 2007 and \$182,150 in 2008. The amount transferred from the POST Fund to the General Capital Improvement Fund for parks and recreation capital projects has been reduced accordingly in this proposed Budget.

The total Golf Course Enterprise Fund is proposed at \$3,637,034 in 2007, which is an increase of 9.2% over the estimated 2006 total of \$3,331,457 (which excludes \$582,114 of note proceeds). The total Golf Course Enterprise Fund is proposed at \$3,693,251 in 2008, an increase of 1.5% over the proposed 2007 budget. In order to further address concerns about balancing expenditures against revenues, Staff will continue to pursue revenue generating ideas, including fee increases to keep the courses competitive within the market, creative marketing, and working to increase rounds played at each golf course.

Fleet Maintenance, Property/Liability and Workers Compensation Funds

Transfers from the General and Utility Funds establish these three internal service and insurance funds. A general overview of services provided by these funds may be found in the Miscellaneous Funds section of the budget document. Expenditures for these funds are presented in the Line Item Accounts section of the Budget. Increasing expenses related to these funds continue to pressure the City. In 2007, fuel charges represent an approximate \$147,531 increase over 2006 (19% increase) and fuel charges in 2008 represent an approximate \$138,431 increase over 2007 (15% increase).

The Workers Compensation Fund is proposed to remain constant at \$1,011,441 in 2007 and to increase by \$10,114 for a fund total of \$1,021,555 for 2008. A \$5,121 increase is proposed for the Property Liability Fund (total of \$1,159,735 proposed in 2007) over 2006 (0.4% increase). At this time, it is anticipated that the fund will come in under budget by approximately \$73,000 in 2006. The current reserve balance is \$1,320,979, per the 2005 audit.

It is anticipated that the Colorado Intergovernmental Risk Sharing Agency (CIRSA) will seek a rate increase for 2007; however, staff will not have final information until September 2006. In 2007, insurance premiums are budgeted at \$454,675, which represents a 0% increase over 2006. Staff is anticipating that the fund as a whole will be over budget by approximately \$132,000 in 2006 due primarily to increasing insurance premiums. This overage in 2006 will be covered by the reserve moneys in this fund. The 12/31/2005 reserve balance is \$2,048,620, per the 2005 audit. In 2008, insurance premiums are budgeted at \$465,504, an increase of \$10,829 over 2007. The total Property/Liability Fund is proposed to increase by \$13,446 over 2007 for a fund total of \$1,173,181 in 2008.

General Capital Outlay Replacement Fund (GCORF)

This fund finances the replacement of some of the General Fund's capital outlay. GCORF originally funded solely replacement vehicles; however, commencing in 2007, Staff proposes to fund new and replacement computers through GCORF. GCORF is funded by an equipment charge to the General Fund for vehicles and a PC replacement fee to all funds for computers. This fund levels capital outlay expenses in the operating budget and provides for ongoing vehicle and computer replacement needs. The GCORF enhances the City's goal of providing a financially sound government and to better manage capital outlay. Additionally, this fund helps the City track depreciation as required by the General Accounting Standards Board's Statement Number 34 (GASB 34). The benefit of the GCORF is that any savings incurred during the year remain with this fund; in tight financial times, the fund balance will be utilized to offset purchases.

In 2007, 23 vehicles for a total of \$786,120 are proposed to be purchased, including the replacement of police patrol cars, one major fire apparatus, one ambulance, park trucks, and a public works tandem truck. \$420,920 of this total will be spent on public safety vehicle replacements and is funded by the public safety tax. In 2008, 20 vehicles are proposed to be purchased, totaling \$858,480. \$461,030 will be spent on public safety vehicles funded by the public safety tax. In 2008, \$32,000 of GCORF public safety tax balance is proposed for the purchase of a hydraulic post lift for large vehicles so Fleet can immediately address maintenance needs on fire engines. The balance available for general vehicle replacements is \$607,507 per the 2005 audit; the balance available for public safety vehicle replacements is \$1,785,589.

In 2006, the City began directly purchasing all replacement and new computers instead of lease-purchasing them. Due to the rising costs of financing coupled with lower PC costs, lease-purchasing computers is no longer more cost effective than purchasing computers. With the Proposed 2007 and 2008 Budgets, an annual "PC replacement fee" of \$250 per desktop and \$375 per laptop will be charged to each department per year. This PC replacement fee will be transferred into GCORF where replacement computers will be purchased each year. In 2007, \$259,752 is budgeted and \$248,698 in 2008 for computer replacements. For new computer purchases, departments have budgeted the full cost of purchase in the first year. The second year of payments reflect the annual PC replacement fee. In 2007, 18 new computers are proposed; in 2008, 4 are proposed. This drop in the number of new computers purchased in 2007 versus 2008 is reflected in the budgeted amounts. Software for new computers is budgeted in the departments' respective capital outlay accounts.

OTHER HIGHLIGHTS FROM THE PROPOSED BUDGETS**Capital Outlay**

The City expends a portion of its budget each year on capital outlay needs throughout the organization. Capital outlay items include new computer software enhancements and equipment that will enable City Staff to perform their jobs in the most efficient and productive manner possible. A sampling of the capital outlay items included in the City's Proposed 2007 and 2008 Budgets include: replacement printers, office furniture, portable radio replacements, police motorcycles, speed laser units, a fingerprinting and mug system for the new northeast police office located at The Orchard, equipment for the reserve ambulances and fire engines, replacement hoses and nozzles, thermal imagers, water meter and transponder units, pumps for water treatment plants, replacement fire hydrants, a replacement remote underwater sampling station unit, an anti-spyware program for IT, and replacement park mowers and landscape maintenance equipment.

In 2007, \$2,774,810 is proposed to be invested in capital outlay equipment in the General, General Capital Outlay, Property/Liability, and Utility Funds. In the General Fund in 2007, the capital outlay budget is proposed at \$686,233, of which 64% is designated for the Police and Fire Departments. \$1,042,245 is the proposed budget for capital outlay in the Utility Fund in 2007. In 2008, \$2,637,816 is proposed to be invested in citywide capital outlay equipment. In the General Fund in 2008, the capital outlay budget is pro-



posed at \$690,758, of which 72% is designated for the Police and Fire Departments. \$839,880 is the proposed budget for capital outlay in the Utility Fund in 2008, which represents a 19.4% decrease from 2007. This reduction is primarily the result of a reduction in the cost of vehicles scheduled for replacement per the Fleet Maintenance Division. There are no new vehicles proposed in the Proposed 2007/2008 Budget.

Staffing

The City Manager’s Office prepared the proposed Staffing Plan for 2007 and 2008 based on staffing requests made and reviewed at the Department Head Budget Retreat in May. The City Manager’s Office subsequently prioritized the requests and Departments prepared their Proposed 2007 and 2008 Budgets around these recommended positions. Overall, a net total of 6.55 full-time equivalents (FTE) additional staff are being proposed as part of the Proposed 2007 Budget. Based on a 2007 year-end population estimate of 112,939 (provided by the Denver Regional Council of Governments) and an authorized 2007 workforce of 979.124 FTE, Westminster’s staffing level will be 8.7 FTE per 1,000 residents in 2007. This ratio represents a 0.1 FTE per 1,000 residents decrease compared to 2006 due to the increase in population.

2007 Proposed New Positions and Eliminations

FTE	Position	Department	Division
General Fund - PROPOSED NEW FTE			
1.0	Property Evidence Technician	Police Department	Investigations & Technical Services
0.5	Police Records Technician	Police Department	Investigations & Technical Services
0.5	Secretary	Fire Department	Emergency Services
0.8	Assistant Prosecuting Attorney	City Attorney's Office	Prosecuting
0.5	Legal Secretary	City Attorney's Office	Prosecuting
3.3	<i>public safety tax funded</i>		
1.0	Sales Tax Audit Supervisor	Finance Department	Sales Tax
1.0	Recreation Aide*	Parks, Rec. & Libraries	Recreation Facilities & Programs
2.0	<i>non-public safety tax funded</i>		
5.3	Total Proposed New FTE		
General Fund - PROPOSED FTE TO BE ELIMINATED			
-0.5	Special Projects Director	City Manager's Office	
4.8	FTE Net New - General Fund		
Utility Fund - PROPOSED NEW FTE			
1.0	Senior Engineer	Public Works & Utilities	Capital Project & Budget
1.0	Management Analyst^	Public Works & Utilities	Water Resources and Treatment
0.5	Water Resources Technician	Public Works & Utilities	Water Resources and Treatment
2.5	Total Proposed New FTE		
Utility Fund - PROPOSED FTE TO BE ELIMINATED			
-0.75	Rocky Flats Coordinator	Public Works & Utilities	Administration
1.8	FTE Net New - Utility Fund		
6.55	GRAND TOTAL NET NEW FTE FOR 2007		

* The 1.0 FTE Recreation Aide (two, 0.5 FTE) is proposed as a replacement to four temporary Recreation Aide positions.
^ The Management Analyst position is proposed as a replacement and upgrade to the current Management Intern position.

In 2008, a total of 1.0 additional full-time equivalent employees (FTE) is proposed in the budget. Based on a 2008 year-end population estimate (provided by the Denver Regional Council of Governments) of 113,878 and an authorized 2008 workforce of 980.124 FTE, Westminster’s staffing level will be 8.6 FTE per 1,000 residents in 2008. This ratio represents a 0.1 FTE per 1,000 residents decrease compared to 2007.

2008 Proposed New Positions

FTE	Position	Department	Division
General Fund - PROPOSED NEW FTE			
1.0	Police Officer	Police	Patrol
<i>1.0 public safety tax funded</i>			
1.0 FTE Net New - General Fund			
1.00 GRAND TOTAL NET NEW FTE FOR 2008			

A summary of the changes, including mid-year 2006 adjustments is shown in the table below. The 2006 mid-year adjustments include the addition of 1.0 FTE firefighter (per a federal grant) offset by a reduction of 2.25 FTE in the Streets Division reorganization approved by City Council during 2006.

Staffing	FTEs
1/1/06 Authorized Staffing Plan	973.824
2006 Midyear adjustments	-1.25
2007 Budget New Positions and Eliminations	6.55
Proposed Staffing Plan – 2007 Budget	979.124
2008 Budget New Position	1.0
Proposed Staffing Plan – 2008 Budget	980.124

The City’s pay plan is also included as part of the Proposed 2007 and 2008 Budgets for Council’s deliberations. This pay plan ensures that City Staff’s salaries and benefits remain competitive with other local municipalities, allowing the City to retain high quality employees. The City’s competitive and responsible pay plan includes recommended pay range adjustments and across-the-board increases that are anticipated to keep Westminster’s salaries competitive with those being paid by the public sector in the Denver Metropolitan area.

The 2007 Proposed Budget includes a 2.5% percent across-the-board (ATB) increase to be implemented January 1, 2007. The cost of the proposed ATB is \$1,275,582 for all funds. The ATB is recommended due to Staff’s commitment over the past few years to mitigate service cuts effecting citizens during the economic downturn by increasing workload responsibilities during the hiring freeze, negotiating reduced costs of contracted services, and reduced compensation increases. This increase is key to the City’s strategic commitment to pay employees wages that are competitive in the marketplace. The ATB for 2005 and 2006 was 1% each year, and 0 % in 2004 (a \$500 bonus was done in lieu of an ATB). The 2007 Proposed Budget also includes step and merit adjustments, which total \$973,626.

In addition, the City’s biennial classification and compensation survey proposes title and/or salary changes for 98 classifications impacting 244.08 FTE in 2007 in all funds in order to maintain the City’s market competitive wages. The cost to implement these recommended changes in all funds totals \$762,241.

The 2008 Proposed Budget includes a 1.0% percent ATB to be implemented January 1, 2008. Funds for 2008 merit and ATB adjustments are budgeted in the Central Charges regular salaries accounts totaling



\$802,987 for step/merit and \$543,355 for ATB; these funds will be appropriated by City Council through a budget amendment in the fall of 2007. Staff will continue to monitor revenues throughout the year, evaluate the Denver Metropolitan area salary adjustments made in 2007, and make recommendations for any modifications to the 2008 Pay Plan in the fall of 2007.

In addition to wage compensation, the City's total compensation to employees continues to include a competitive and comprehensive package of healthcare, disability and pension benefits. The costs of providing life, medical and dental insurance continues to increase significantly each year. While projected increases are less than what the City has experienced in recent years, they are increases nonetheless. Staff received confirmation in July that the City's rate adjustment for 2007 will be 4%. This increase totals \$347,098 in all funds, including proposed new staff. In 2008, medical insurance is projected to increase approximately 6% over 2007, which totals about \$478,086 across all funds, including proposed new staff. Staff will continue to monitor health insurance costs. The projected increase of 6% is Staff's best estimate at this time for 2008.

The City's absorption of the vast share of these healthcare coverage increases constitutes a mostly unobserved compensation benefit to employees. The City continues to work with its health care consultants to identify program cost savings and enhance utilization of the City's innovative Wellness Program to help maintain a healthy workforce.

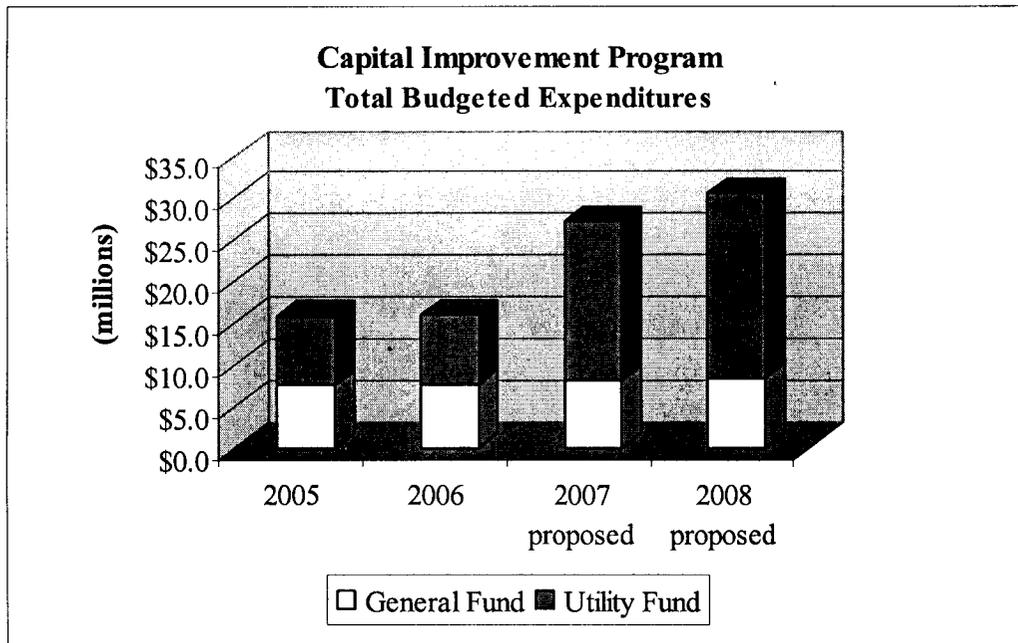
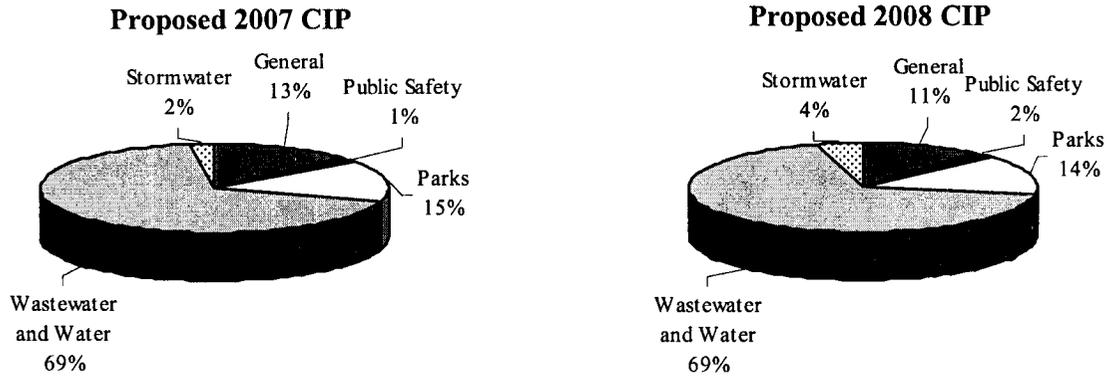
Capital Improvement Program (CIP)

The City remains committed to a strong Capital Improvement Program (CIP), as these projects prepare the City for the future through the maintenance of aging infrastructure. The CIP is funded by one-time revenue sources such as building and use taxes, park development fees, Lottery proceeds, open space revenue, utility tap fees, water and wastewater fees, stormwater fees, and carryover funds. The CIP is budgeted within the General Capital Improvement Fund (GCIF) and the Utility Enterprise Fund.

A proactive CIP allows the City of Westminster to provide reliable infrastructure that accommodates the City's growth and the community's desires. Projects included in the proposed 2007 and 2008 CIP focus on street intersection improvements, park and trail development, streetscape and landscape improvements, neighborhood revitalization, major maintenance for City facilities, public safety upgrades, water and sewer line rehabilitation, water meter replacements, and stormwater drainage improvements.

The 2007 and 2008 Utility Fund CIP reflects a more aggressive approach to repair and replacement of the water and wastewater system to ensure high quality and reliable service. Staff will bring the results of the Infrastructure Master Plan Study (conducted by URS Corporation) on the entire water and wastewater system and the Reclaimed Water System Master Plan to the City Council in September for review. The Utility Fund CIP also reflects the proposed rate increase to the Stormwater Drainage Fee in 2008. The rate increase in 2008 will allow for a more proactive approach to addressing stormwater issues throughout the City. Staff intends to utilize the next nine months to update the Stormwater Drainage Master Plan and return during the mid-year budget review in September 2007 with the plan and proposed capital improvement projects for 2008. Staff will be bringing a request to City Council to utilize funds from the Stormwater Capital Reserve towards the hiring of a consultant to assist with the update to the Stormwater Drainage Master Plan.

The CIP continues to reflect an aggressive effort to move forward on many capital improvement fronts to address the City's needs as well as to enhance community quality of life. These improvements not only benefit existing citizens, but also act to strengthen the tax base and act as an economic development influence for the type and quality of businesses the City is seeking to attract to Westminster.



100% of the 2007 and 2008 CIP will be funded on a “pay-as-you-go” basis. Descriptions of all proposed 2007 and 2008 Capital Improvement Program projects, as well as the Five-Year Capital Improvement Plan, are presented in the Capital Improvement Program section of the budget document.

CONCLUSION

While the City of Westminster continues to face revenue challenges, numerous promising economic developments will be coming on line, positioning the City for continued success. In the short term, these new revenues from the new developments will serve as replacement revenue for aging commercial centers in need of revitalization. The City will continue to work to identify redevelopment opportunities where appropriate, with a focus on maintaining vibrant neighborhoods and commercial areas. Meanwhile, growth will continue to slow as the City approaches build out, placing a critical focus on sustainability where we must



balance our core services with limited resources. Over the last several years, Council and Staff have proven that we can successfully navigate through a volatile economy while still making noticeable enhancements to the quality of life in Westminster. I trust we will achieve the same results in the future.

City Council and City Staff form a committed and resourceful team. Together, we will continue to deliver responsive, efficient and effective local government to residents, business and visitors. Guided by the City's Strategic Plan, we will continue to provide high quality services at an exceptional value thanks to the steadfast leadership of City Council and the hard work and creativity of Staff. I look forward to working with City Council throughout the next two years as we implement the high quality programs and services that the Proposed 2007 and 2008 Budgets fund.

I would like to acknowledge all of the Departments, and in particular the City Manager's Office, Finance Department and General Services Department, for the dedication they put forth in preparing this comprehensive budget document. Special gratitude goes out to the Finance Department along with the Public Works and Utilities Department, each of whom provided extra staff assistance during the Budget development process. Thank you for your commitment to this community and the SPIRIT you exhibit.

Respectfully submitted,

A handwritten signature in black ink that reads "J. Brent McFall".

J. Brent McFall
City Manager



WESTMINSTER



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 9, 2006



SUBJECT: Resolution No. 56 re 2007 and 2008 Pay Plans and Councillor’s Bill No. 60 re Establishing “Hourly Non-Benefited” as a Category of Appointment in the Municipal Code

Prepared By: Debbie Mitchell, Human Resources Manager
Matt Lutkus, Deputy City Manager for Administration

Recommended City Council Action

1. Adopt Resolution No. 56 which establishes the 2007 and 2008 Pay Plans.
2. Pass Councillor’s Bill No. 60 on first reading approving a change in Personnel Management Program in the Westminster Municipal Code that will establish “Hourly Non-Benefited” as a Category of Appointment.

Summary Statement

- A biennial compensation survey of all 94 City benchmark classifications was conducted in the spring and summer of 2006. This survey information was compiled from information in the Colorado Municipal League survey, City special survey efforts as well as Mountain States Employers Council private sector survey information. Based in large part on the analysis of the market information received in the survey, City staff is recommending a number of changes to benchmark and other internally aligned classifications. The funds needed to implement the recommended adjustments have been included in the proposed 2007 and 2008 City Budget.
- Staff is recommending a 2007 and 2008 pay plan that includes salary range adjustments to 98 classifications of 2.5% in 2007 with an additional 1% at the beginning of 2008. The 2008 across-the-board adjustment recommendation will be revisited with Council in 2007 and would be contingent on adequate revenue availability. The across-the-board range increases would be made to all three pay plans and be reflected in the ranges for all incumbent full and part time non-exempt employees. Employees in the Exempt and Administrative Officer pay plans are eligible for merit-based increases in January of each year. The recommended changes are intended to ensure that the City’s compensation package is competitive with other progressive cities along Colorado’s northern Front Range.
- Changes are also being recommended to the instructor pay plan based on an extensive market survey and review of internal pay relationships. These changes will require an amendment to the City Code.
- With the exception of relatively minor plan design changes in the health insurance program previously reviewed by City Council, Staff is recommending no changes to the benefit package for 2007 and 2008.

Expenditure Required: Addressed in the Proposed 2007/2008 Budget

Source of Funds: Various City funds as addressed in the Proposed 2007/2008 Budget

Policy Issue

Should City Council approve a revised pay plan that incorporates a number of changes to the present pay system?

Alternative

Approve a Pay Plan that does not incorporate any of the changes requested for 2007 and 2008. Staff does not recommend this as an alternative since it will reduce the City's ability to compete for quality personnel in the public sector labor market.

Background Information

The City has a market based compensation system with wage determination focused on compensating employees with salaries that are competitive with a comparable group of eight Front Range cities. The municipalities are some of the most progressive council/manager full service cities in the Front Range. In addition, City policy dictates that our overall compensation package will remain in the top 25 percent of all Colorado municipalities.

Staff completed the biennial review of the pay and classification system in 2006 for the Proposed 2007 and 2008 Budgets. The pay and classification adjustment recommendations are based on the following:

- An extensive salary survey process of eight metro cities (Arvada, Aurora, Boulder, Englewood, Fort Collins, Lakewood, Littleton and Thornton), special districts and private sector information
- Data collected from the Colorado Municipal League (CML) survey on 70 benchmark positions
- A special City survey of 24 benchmark positions not included in CML's survey data
- Direct contacts with other municipalities to verify or clarify survey data
- Mountain States Employers Council private and public sector data
- Special surveys and audits of 12 Department-requested positions

Staff continues to use a benchmark system whereby City positions that are relatively similar among other Denver Metro area cities are surveyed. Examples of these positions include: Secretary, Police Officer/Senior Police Officer, Firefighter I/II, Parksworkeer I/II, Planner III and Accounting Manager. The salaries for non-benchmark positions are linked to the salaries of specific benchmark positions based on their relationship to a job group and relative value to the organization. An in-depth survey was conducted of all 94 benchmarks. Recommended range adjustments are based on a review of each benchmark position's minimum and maximum range value in comparison to the market.

In addition to recommended market adjustments, the City also makes across-the-board (ATB) adjustments to maintain the City's competitive wage position in the market. The emphasis in this year's pay plan proposal is on the across-the-board adjustments to all ranges, available to all employees. The recommended market adjustment is 2.5% to all pay ranges, with automatic increases to non-exempt positions and merit increase opportunities for exempt employees and administrative officers. Across-the-board increases were not provided in 2004 and were only 1% in both 2005 and 2006. Many long-term, high performing employees have experienced minimal increases or even a reduction in wage over the past three years due to rising benefit costs. The strategy focusing on the ATB for 2007 allows the City to provide wage increases to many important contributors who are at the top of their pay ranges.

This approach modifies the methodology of the City's pay determination practices by prioritizing the ATB over the individual classification adjustments but does not change the City's pay philosophy. In the past, typically an adjustment would be recommended when a position was more than 3.5% outside the maximum range mean while this year recommendations for adjustments are based on a position being 7.5% outside of the maximum range. The 7.5% threshold for adjustments is more compatible with industry standards as well as being consistent with the pay plan difference between grades of 7.5%. The average total increase recommended for employees Citywide is 5% in 2007, including ATB, classification adjustments, step and merit increases for those progressing through their pay range. Staff believes that

this approach of emphasizing the ATB is a more equitable method of maintaining the City's market competitiveness in the coming two years as well as into the future.

The 2007 and 2008 pay plans include 98 (versus 139 in 2005) classification change and 4 title change recommendations. A total of 244.08 (versus 528.75 in 2005) full-time equivalents (FTE) will be affected by these proposed changes. A 2.5% across-the-board increase is recommended for all full and part-time pay ranges in January 2007. An additional 1% ATB pay range increase is recommended in the Proposed 2008 Budget. Both of these ATB adjustments are included in the balanced Proposed 2007/2008 Budget submitted to City Council. As was done for FY2006, a mid-biennial budget review will be conducted and the pay plan revisited with City Council in the fall of 2007 for FY2008.

Currently, the City has an authorized FTE staffing level of 972.574. In 2006, a mid-year 1.0 FTE firefighter position was added based on a grant and 1.5 FTE were eliminated as a result of the Streets Division reorganization. The proposed pay plans reflect an addition of 6.55 total FTEs for 2007 and an addition of 1.0 total FTEs for 2008, bringing the total FTE in 2007 to 979.124 and 2008 to 980.124.

Modifications are being proposed to the current Instructor pay plan based on plan design modifications as well as salary market adjustments. A new Category of Appointment is necessary to implement this approach to instructor pay and classification. The proposed new pay plan, replacing the Instructor Pay Plan, is called the Hourly Non-Benefited Pay Plan. This plan streamlines the classifications for employees serving in instructor and other auxiliary positions in the Parks, Recreation and Libraries Department. It reduces the number of job titles by 50% and the number of steps increases in each classification from four to three. Benchmark positions have been identified and will be reviewed every four years to assure that our wages are competitive in the market. This new classification approach will allow the City to employ individuals for an indefinite period of time with fluctuating schedules throughout the year. These position needs cycle by season or when programs are offered. They include positions other than true instructor classifications such as drivers, chaperones, referees and teaching aides. The attached Bill includes changes in the Municipal Code necessary to implement this new system.

As Council is aware, General Services Department staff conducts a survey of the benefits provided in selected cities and special districts on a biennial basis. This survey was conducted in 2006 on the following benefits: pension contributions, medical and dental benefits, life insurance coverage, retiree medical benefits, prescription benefits, dental and orthodontic maximum benefits, leave benefits, special pay and education reimbursement programs. Based on this comprehensive survey, no major benefit changes are being recommended to the existing benefit package. The health benefit package and the two proposed changes are addressed in the agenda memorandum entitled "2007 City Employee Health Insurance Renewals and Rates."

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **56**

INTRODUCED BY COUNCILLORS

SERIES OF 2006

2007 and 2008 Pay Plans

WHEREAS, Section 1-24-1 and 1-24-4 of the Official Code of the City of Westminster provides that the City Council, upon recommendation of the City Manager, shall by resolution establish the salary schedule for all position classifications in the municipal service; and

WHEREAS, the City Manager is recommending a 2.5% across-the-board salary increase for regular, Non-exempt employees and adjustments of approximately 2.5% to the top of the ranges for Exempt and Administrative Officer positions on January 1, 2007; and

WHEREAS, the City Manager is recommending a 1% across-the-board salary increase for regular, Non-exempt employees and adjustments of approximately 1% to the top of the ranges for Exempt and Administrative Officer positions on January 1, 2008; and

WHEREAS, the City Manager is also recommending a number of pay grade adjustments based on a series of special surveys and audits conducted by the Human Resources Division; and

WHEREAS, several reclassifications, new classifications, and title adjustments are recommended as a result of organizational changes; and

NOW, THEREFORE, be it resolved by the City Council of the City of Westminster that the attached new salary schedule, and the authorized personnel schedule described above are hereby adopted and approved and shall be put into effect on January 1, 2007; contingent upon approval of funds in the 2007/2008 City Budget.

PASSED AND ADOPTED this 9th day of October, 2006.

ATTEST:

Mayor

City Clerk

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **60**

SERIES OF 2006

INTRODUCED BY COUNCILLORS

**A BILL
FOR AN ORDINANCE AMENDING CHAPTER 24 OF TITLE I OF THE WESTMINSTER
MUNICIPAL CODE CONCERNING PERSONNEL MANAGEMENT**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 1-24-1, W.M.C, is hereby AMENDED BY THE ADDITION OF A NEW SECTION to read as follows:

1-24-1: DEFINITIONS: For the purposes of this Chapter, the following words and terms, unless the context clearly states otherwise, shall have the meaning indicated below:

EMPLOYEE – HOURLY NON-BENEFITED: AN EMPLOYEE APPOINTED TO PROVIDE SERVICES ON AN HOURLY BASIS IN SPECIFICALLY DESIGNATED AREAS AND WORK AN INTERMITTENT SCHEDULE WITH NO DEFINED NUMBER OF HOURS OR BENEFIT ELIGIBILITY.

Section 2. Section 1-24-3, subsection (M), W.M.C., is hereby AMENDED to read as follows:

1-24-3: ADMINISTRATION:

(M) Categories of Appointment. All appointments by an appointing authority shall be made into one of the following categories: probationary, part-time regular, temporary, temporary benefited indexed, special projects, seasonal, substitute, instructor, HOURLY NON-BENEFITED, provisional, emergency, regular and administrative officer. A description of these follows:

1. Probationary: All nonexempt and exempt employees new to a regular or part-time position shall be considered probationary until they have up to one year of satisfactory service in their position or as otherwise provided in rules promulgated by the City Manager. Probationary employees are subject to termination after a hearing at any time in accordance with the procedures specified by the City Manager.

2. Part-time Regular: An employee who has been appointed to a part-time authorized, nonexempt or exempt position to work less than forty (40) hours during a seven day period on a regular basis. Part-time employees shall be paid at an hourly rate. Part-time exempt employees will be paid on a salaried basis, prorated based on their full-time equivalency. Employees in positions authorized at twenty (20) or more hours per week are eligible for City fringe benefits and some benefits may be prorated. Authorized hours are determined by the full-time equivalency (FTE) assigned to the position. An employee may work beyond the authorized FTE, however, only the authorized FTE will be considered in determining an employee's level of benefits. After a part-time nonexempt or exempt employee has successfully completed the probationary period, the employee shall receive a regular part-time appointment with the City. Employees of this category are subject to termination for cause pursuant to the provisions of this Chapter.

3. Special Project: Employees in this category do not receive benefits except that the City Manager may determine that medical and dental benefits be provided. Special project employees are subject to termination by the Division Manager at any time without cause. A special project employee may be terminated due to cessation of funds for the project for which the employee was hired.

4. Temporary: Employees in this category are appointed to other than a temporary benefited position for a temporary period of time not to exceed one year. Temporary employees shall be paid at an hourly rate and are not eligible for any City fringe benefits. Employees in this category are subject to termination by the Division Manager at any time without cause. After one year, a temporary employee shall be terminated.

5. Temporary Benefited: Employees in this category serve as interns or are indexed to a predetermined workload. When the workload falls below the indexed level, the employee must be terminated subject to such notice provisions as may be established by the City Manager. Medical and dental insurance shall be provided and such other benefits as may be granted in the discretion of the City Manager. Temporary benefited employees are subject to termination by the Division Manager at any time without cause.

6. Seasonal: Employees in this category are those appointed for a specified period of time, normally a designated season. Seasonal classifications are listed in the seasonal section of the annual pay plan. Seasonal employees shall be paid at an hourly rate and are not eligible for any City fringe benefits. Employees in this category are subject to termination by the Division Manager at any time without cause. Seasonal employees will be terminated at the end of each season.

7. Instructor: Employees in this category are those appointed to provide SPECIFIC INSTRUCTIONAL ACTIVITIES CONDUCTED ON BEHALF OF THE CITY on a PART-TIME, periodic or occasional basis. Instructor classifications are listed IN THE HOURLY (NON-BENEFITED) section of the annual pay plan. INSTRUCTOR'S WORK IS PART-TIME, SCHEDULED WORK AND Supervisors may limit the PERIOD for the instructor employment based on class schedules or recreation program periods. Employees in this category shall be paid on an hourly basis and are NOT ELIGIBLE FOR ANY CITY FRINGE BENEFITS. EMPLOYEES IN THIS CATEGORY ARE subject to termination by the Division Manager at any time without cause.

8. Substitute: Employees in this category are those appointed to provide services working part time, occasional work on a "substitute" as needed, or on-call basis, to fill in for absences and staffing shortages. There is no limit to the length of time an employee may hold a position in this capacity. Substitute employees shall be paid on an hourly basis and are not eligible for any city fringe benefits. Employees in this category are subject to termination by the Division Manager at any time without cause.

9. HOURLY NON-BENEFITED: EMPLOYEES IN THIS CATEGORY ARE APPOINTED TO PROVIDE SERVICES ON AN HOURLY BASIS IN SPECIFICALLY DESIGNATED AREAS AND WORK AN INTERMITTENT SCHEDULE WITH NO DEFINED NUMBER OF HOURS. THIS CLASSIFICATION IS SPECIFIED IN THE HOURLY (NON-BENEFITED) SECTION OF THE ANNUAL PAY PLAN. EMPLOYEES IN THIS GROUP ARE ABLE TO WORK AN UNLIMITED NUMBER OF HOURS EVERY YEAR, AND THERE IS NO LIMIT TO THE LENGTH OF TIME AN EMPLOYEE MAY HOLD A POSITION IN THIS CAPACITY. EMPLOYEES SHALL BE PAID AN HOURLY RATE AND ARE NOT ELIGIBLE FOR ANY CITY FRINGE BENEFITS. EMPLOYEES IN THIS CATEGORY ARE SUBJECT TO TERMINATION BY THE DIVISION MANAGER AT ANY TIME WITHOUT CAUSE.

~~9~~-10. Provisional: A department head or division manager may make a provisional appointment when a critical position vacancy occurs and, due to the length of time required to fill it or because of an extended leave of absence, it becomes necessary to appoint a replacement on a "provisional" basis. An appointment shall be considered provisional if the individual serving in the temporarily vacant position having a higher pay classification is required to do so for a period of more than 80 consecutive work hours. Should a temporary appointment, originally intended not to exceed 80 consecutive hours, extend beyond 80 hours, payment for the provisional status shall be made retroactively. An employee serving in provisional status for less than 80 hours shall not receive provisional pay.

Provisional pay for nonexempt employees serving in nonexempt positions on a provisional basis shall be moved to the first step of the range of the vacant position or a 5% increase over current salary, whichever is higher as long as the 5% increase does not exceed the last step of the range for the vacancy. Employees serving on a provisional basis in an exempt or administrative officer position shall receive the level of compensation determined by the Human Resources Manager. The employee may be allowed by the Human Resources Manager to credit the time served in a provisional status toward completion of the probationary period, should a probationary appointment to the position occur immediately subsequent to the provisional appointment.

~~10~~-11. Emergency: In an emergency, to prevent undue delay or serious interference with the provision of necessary public services, a division manager may make emergency appointments for a period not to exceed ninety (90) calendar days. Successive emergency appointments involving the same

employee shall not be made. Emergency appointments may be made without regard to the formal selection provisions of this Chapter. Approval of the Human Resources Manager must be obtained prior to an emergency appointment. Emergency appointed employees are not eligible for any City fringe benefits.

~~11~~-12. Regular: After a full-time nonexempt or exempt employee has successfully completed the probationary period, the employee shall receive a regular appointment with the City. Regular nonexempt or exempt employees can only be terminated pursuant to the provisions of this Chapter.

~~12~~-13. Administrative Officer Service: Administrative officer positions receive salaries within the parameters of the existing pay plan as determined by department heads. Part-time administrative officers will be paid on a salaried basis, prorated based on their full-time equivalency. Individuals holding administrative officer positions are entitled to the fringe benefits approved by City Council. Administrative officers shall be subject to termination at the discretion of the City Manager. Such employees who are involuntarily separated shall be eligible for severance pay as determined by length of service and position as provided below, except that in the event that the employee is terminated because of the employee's conviction of any illegal action, the City has no obligation to provide severance compensation.

(a) Department Heads: Those employees employed as department heads more than six (6) months, but less than three (3) consecutive years shall be granted full pay and benefits for fifteen (15) working days following involuntary separation. Employees with at least three (3) years service in these classifications, but less than six (6) years service, shall receive forty-five (45) working days of full pay and benefits. Employees with at least six (6) years but less than ten (10) years of service shall received ninety (90) working days of full pay and benefits. Employees with service of ten (10) or more years shall receive one hundred thirty (130) working days of pay and benefits upon involuntary separation.

(b) All Other Administrative Officers: Those employees employed more than six (6) months, but less than two (2) years in these classifications shall be granted full pay and benefits for ten (10) working days following involuntary separation. After two (2) years, but less than five (5) years of administrative officer service, the employee shall receive fifteen (15) working days of full pay and benefits as severance pay. Employees with five (5) or more years of administrative officer service shall receive twenty (20) working days of pay and benefits upon involuntary separation.

~~13~~-14. Short Term Disability: An employee who is appointed to this category is receiving short term disability pay and has an authorized medical professional certification that they are unable to return to work.

Section 3. This ordinance shall take effect upon its passage after second reading.

Section 4. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 9th day of October, 2006.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 23rd day of October, 2006.

Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney's Office

**2007-2008 PROPOSED
ADMINISTRATIVE OFFICERS POSITION TITLES**

<u>Grade</u>	<u>Position</u>	<u>Class Code</u>
A4	Accounting Manager	3102
A10	Assistant City Manager	2305
A5	Battalion Chief	6104
A4	Capital Projects and Budget Manager	3353
A5	Chief Building Official	3401
A4	City Clerk	2303
A6	City Engineer	3301
A9	Community Development Director	2308
A4	Court Administrator	4401
A6	Deputy Chief/Administration	6102
A6	Deputy Chief/Technical Services	6103
A9	Deputy City Manager	2312
A7	Deputy Police Chief	6225
A6	Economic Development Manager	7104
A3	Facilities Manager	5101
A8	Finance Director	2304
A9	Fire Chief	6101
A5	Fire Marshal	6124
A3	Fleet Manager	5201
A7	Human Resources Manager	3701
A8	Information Technology Director	2310
A4	Library Services Manager	3601
A5	Park Services Manager	3901
A9	Parks, Recreation and Libraries Director	2307
A6	Planning Manager	3801
A9	Police Chief	6201
A9	Public Works and Utilities Director	2306
A5	Recreation Services Manager	3924
A5	Regional Parks and Golf Manager	3923
A4	Sales Tax Manager	3101
A5	Street Operations Manager	5501
A4	Treasury Manager	3103
A6	Utilities Operations Manager	5601
A6	Water Resources & Treatment Manager	3302

**2007 PROPOSED
ADMINISTRATIVE OFFICERS PAY PLAN**

<u>Grade</u>	<u>Minimum</u>	<u>Maximum</u>
A1	62,264	71,604
A2	66,934	76,974
A3	71,954	82,747
A4	77,351	88,953
A5	83,152	95,625
A6	89,389	102,797
A7	96,093	110,507
A8	104,334	119,984
A9	110,594	127,183
A10	117,230	134,814

**2008 PROPOSED
ADMINISTRATIVE OFFICERS PAY PLAN**

<u>Grade</u>	<u>Minimum</u>	<u>Maximum</u>
A1	62,887	72,320
A2	67,603	77,744
A3	72,674	83,575
A4	78,124	89,843
A5	83,984	96,581
A6	90,282	103,825
A7	97,054	111,612
A8	105,377	121,184
A9	111,700	128,455
A10	118,402	136,162

**2007-2008 PROPOSED
EXEMPT POSITION TITLES**

<u>Grade</u>	<u>Position</u>	<u>Class Code</u>
E6	Accountant	3107
E4	Administrative Coordinator	4602
E3	Administrative Secretary	4603
E7	Assistant City Attorney I	3502
E11	Assistant City Attorney II	3501
E12	Assistant City Engineer	3303
E4	Assistant Golf Professional	3912
E5	Assistant Golf Superintendent	3917
E9	Assistant Prosecuting Attorney	3515
E9	Assistant to the City Manager	7107
E12	Associate Judge	2202
E11	Capital Projects Coordinator	3335
E4	Collections Supervisor	4405
E8	Community Development Program Coordinator	3402
E9	Control Systems Engineer	3348
E6	Deputy Court Administrator	4403
E8	Economic Development Specialist	7115
E9	Emergency Management Coordinator	6124
E6	Employee Development Analyst	7128
E7	Engineer	3342
E9	Environmental and Administrative Services Officer	7136
E5	Executive Secretary to the City Manager	4601
E6	Financial Analyst	3109
E10	GIS Coordinator	3347
E6	Golf Professional	3911
E9	Golf Superintendent	3918
E9	Human Resources Administrator	3716
E5	Human Resources Analyst	3703
E5	Human Resources Analyst/HRIS	3713
E5	Human Resources Analyst/Recruitment	3714
E7	(I) Engineer	3343
E5	(I) Landscape Architect I	5325
E7	(I) Landscape Architect II	5326
E5	(I) Planner I	3811
E6	(I) Planner II	3808
E8	(I) Rocky Flats Coordinator	3329
E10	(I) Senior Engineer	3344
E12	(I) Senior Projects Engineer	3349
E8	(I) Water Resources Analyst	3341
E11	Information Systems Manager	3209
E6	Internal Auditor	3110

**2007-2008 PROPOSED
EXEMPT POSITION TITLES**

<u>Grade</u>	<u>Position</u>	<u>Class Code</u>
E9	Internet Software Engineer	3202
E12	Judge Pro Tem	2203
E7	Lake Operations Coordinator	5302
E5	Landscape Architect I	5329
E7	Landscape Architect II	5328
E11	Lead Prosecuting Attorney	3513
E10	Lead Software Engineer	3201
E7	Lead Systems Analyst	3213
E6	Legal Administrator	3516
E3	Legal Secretary	3514
E5	Librarian I	3603
E6	Librarian II	3602
E5	Library Network Specialist	4314
E7	Library Services Coordinator	3615
E6	Library Supervisor	3604
E7	Maintenance Management System Coordinator	4315
E5	Management Analyst	7130
E5	Management Assistant	7113
E2	Management Intern II	7119
E5	Neighborhood Outreach Coordinator	7124
E12	Neighborhood Services Administrator	6223
E9	Network Administrator	3210
E8	Open Space Coordinator	7101
E4	Open Space Volunteer Coordinator	7120
E4	Paralegal	3510
E8	Park Supervisor	5320
E9	Pension Administrator	3106
E5	Planner I	3804
E6	Planner II	3803
E8	Planner III	3802
E9	Planning Coordinator	3809
E11	Plant Superintendent	3340
E12	Police Commander	6228
E5	Probation Services Coordinator	3505
E9	Public Information Officer	7105
E5	Public Information Specialist	7109
E6	Purchasing Officer	7132
E6	Reclaimed System Analyst	3350
E4	Recreation Specialist	3908
E4	Recreation Specialist - Wellness	3709

**2007-2008 PROPOSED
EXEMPT POSITION TITLES**

<u>Grade</u>	<u>Position</u>	<u>Class Code</u>
E8	Recreation Supervisor - City Park	3904
E7	Recreation Supervisor - Senior Center	3914
E7	Recreation Supervisor - Swim and Fitness	3905
E7	Recreation Supervisor - West View	3916
E5	Recreation Supervisor Assistant	5413
E7	Revenue and Banking Administrator	3113
E5	Revenue Agent	3111
E9	Risk Management Officer	7126
E7	Sales Tax Audit Supervisor	3112
E6	Sales Tax Auditor	3108
E10	Senior Engineer	3345
E7	Senior Human Resources Analyst	3710
E7	Senior Management Analyst	7131
E9	Senior Projects Coordinator	3806
E12	Senior Projects Engineer	3328
E9	Senior Projects Planner	3810
E6	Senior Public Information Specialist	7127
E10	Senior Telecommunications Administrator	7122
E7	Software Engineer I	3204
E9	Software Engineer II	3203
E11	Software Engineering Manager	3219
E8	Street Supervisor	5519
E4	Systems Analyst I	3214
E5	Systems Analyst II	3215
E6	Systems Analyst III	3216
E7	Technical Services Coordinator	6227
E6	Transportation Systems Coordinator	3315
E7	Utilities Operations Coordinator	5611
E8	Utilities Supervisor	5602
E5	Victim Services Coordinator	3503
E4	Volunteer Coordinator	7112
E11	Water Resources Engineering Coordinator	3351
E11	Water Quality Administrator	3339
E8	Water Quality Specialist	3336

**2007 PROPOSED
EXEMPT PAY PLAN**

<u>Grade</u>	<u>Minimum</u>	<u>Maximum</u>
E1	35,724	44,655
E2	38,403	48,004
E3	41,284	51,605
E4	44,380	55,475
E5	47,708	59,636
E6	51,287	64,108
E7	55,133	68,916
E8	59,268	74,085
E9	63,713	79,641
E10	68,492	85,615
E11	73,629	92,036
E12	79,151	98,938

**2008 PROPOSED
EXEMPT PAY PLAN**

<u>Grade</u>	<u>Minimum</u>	<u>Maximum</u>
E1	36,082	45,102
E2	38,788	48,485
E3	41,697	52,121
E4	44,824	56,030
E5	48,186	60,232
E6	51,800	64,750
E7	55,685	69,606
E8	59,861	74,826
E9	64,351	80,438
E10	69,177	86,471
E11	74,365	92,957
E12	79,943	99,928

**2007-2008 PROPOSED
NON EXEMPT POSITION TITLES**

<u>Grade</u>	<u>Position</u>	<u>Class Code</u>
N11	Accounting Technician	4515
N11	Animal Management Officer	6229
N14	Animal Management Supervisor	6230
N14	Applications Specialist	4312
N15	Assistant Building Plans Analyst	3422
N8	Assistant Pool Manager	5406
N14	Benefits Specialist	3711
N14	Benefits Specialist, Pension	3712
N18	Building Inspection Supervisor	3403
N18	Building Plans Analyst	3404
N11	Building Permit Technician	3425
N11	Building Repairworker	5108
N11	CDBG Technician	3813
N15	Capital Projects Inspector	3418
N13	Carpenter	5103
N16	City Forester	5304
N5	Clerk Typist I	4208
N8	Clerk Typist II	6124
N13	Code Enforcement Officer	3410
N15	Code Enforcement Supervisor	3426
N11	Code Enforcement Technician	3419
N10	Communications Specialist I	4104
N12	Communications Specialist II	4103
N16	Communications Supervisor	4102
N12	Community Services Coordinator	5515
N10	Community Service Officer	6221
N11	Crewleader - Custodial	5105
N13	Crewleader	5716
N13	Criminalist	6209
N14	CSO Supervisor	6232
N7	Custodian	5111
N13	Deputy City Clerk	4407
N10	Deputy Court Clerk	4412
N12	Economic Development Aide	7135
N15	Electrical Inspector	3406
N15	Electromechanic Specialist	5702
N18	EMS Coordinator	6118
NF17	EMS Field Coordinator	6122
N14	Engineering Construction Inspector	3409
N13	Engineering Technician	3332
N14	Environmental Analyst	7134

**2007-2008 PROPOSED
NON EXEMPT POSITION TITLES**

<u>Grade</u>	<u>Position</u>	<u>Class Code</u>
N11	Equipment Mechanic	5711
N12	Equipment Operator I	5717
N13	Equipment Operator II	5718
N9	Equipment Services Assistant	6212
N12	Facility Assistant	5404
NF18	Fire Captain	6106
N18	Fire Captain - Field Training Officer	6119
NF16	Fire Engineer	6109
NF17	Fire Lieutenant	6108
N17	Fire Lieutenant - Fire Investigator	6121
N17	Fire Lieutenant - Fire Prevention Specialist	6113
N17	Fire Lieutenant - Technical Services Coordinator	6120
NF16	Fire Paramedic	6110
N17	Fire Plans Examiner/Inspector	6117
NF11	Firefighter I	6112
NF15	Firefighter II	6111
N13	Fleet Specialist	5722
N16	Foreman	5719
N15	General Building Inspector	3407
N15	GIS Specialist	4308
N11	GIS Technician	4313
N12	Golf Irrigator	3919
N10	Golf Worker	3920
N5	Guest Relations Clerk I	4206
N7	Guest Relations Clerk II	4209
N11	Help Desk Technician	4311
N12	Horticultural Specialist	5319
N15	Housing Inspector	3417
N11	Human Resources Technician	3706
N13	HVAC Specialist	5708
N12	HVAC Technician	5712
N15	(I) Assistant Building Plans Analyst	3420
N13	(I) Crewleader	5720
N7	(I) Custodian	5112
N15	(I) Electrical Inspector	3416
N14	(I) Engineering Construction Inspector	3414
N12	(I) Facility Assistant	5415
N15	(I) General Building Inspector	3413
N5	(I) Guest Relations Clerk I	4213
N7	(I) Guest Relations Clerk II	4214
N15	(I) Housing Inspector	3421

**2007-2008 PROPOSED
NON EXEMPT POSITION TITLES**

<u>Grade</u>	<u>Position</u>	<u>Class Code</u>
N9	(I) Maintenanceworker	5613
N16	(I) Operations Coordinator	5327
N9	(I) Parksworker I	5323
N11	(I) Parksworker II	5324
N14	(I) Police Officer	6208
N10	(I) Secretary	4212
N16	(I) Senior Police Officer	6217
N7	Intern	7133
N11	Irrigator I	5309
N12	Irrigator II	5307
N10	Laboratory Aide	3337
N15	Laboratory Analyst	3319
N15	Laboratory Services Coordinator	3327
N16	Lead Housing Inspector	3424
N13	Lead Meter Repairworker	5615
N16	Lead Plant Operator	3314
N12	Lead Police Records Technician	4415
N14	Lead Street Operator	5520
N8	Library Associate I	3606
N10	Library Associate II	3609
N5	Library Clerk I	3607
N6	Library Clerk II	3610
N2	Library Page	3608
N11	Library Specialist	3616
N4	Lifeguard / Lead Lifeguard	5414
N13	Liquor Investigations Officer	6224
N9	Maintenanceworker	5511
N11	Management Intern I	7110
N12	Mechanic I	5709
N13	Mechanic II	5707
N8	Messenger	4205
N10	Meter Repairworker	5606
N13	Meter Technician	5605
N13	Official Development Plan Inspector	3408
N13	Open Space Technician	3812
N10	Park Ranger	5330
N9	Parksworker I	5311
N11	Parksworker II	5308
N12	Planning Technician	3805
N11	Plant Operator I	3324
N12	Plant Operator II	3322

**2007-2008 PROPOSED
NON EXEMPT POSITION TITLES**

<u>Grade</u>	<u>Position</u>	<u>Class Code</u>
N13	Plant Operator III	3320
N14	Plant Operator IV	3316
N9	Plant Operator Trainee	3346
N14	Police Officer	6207
N11	Police Officer Trainee	6218
N15	Police Records Supervisor	4416
N10	Police Records Technician	4417
N8	Press Operator Assistant	5714
N11	Print Shop Coordinator	5721
N12	Probation Officer	3509
N11	Property Evidence Technician	6226
N11	Records Management Technician	3333
N6	Recreation Aide	5407
N11	Report Specialist	6213
N10	Revenue Services Representative	4514
N14	Risk Management Specialist	3704
N11	Risk Management Technician	3715
N11	Sales Tax Technician	4504
N12	Second Assistant Golf Professional	3913
N13	Second Assistant Golf Superintendent	3921
N10	Secretary	4202
N5	Security Officer	5109
N16	Senior Criminalist	6205
N11	Senior Maintenanceworker	5510
N13	Senior Park Ranger	5318
N16	Senior Police Officer	6206
N19	Sergeant	6204
N14	Street Inspector	5517
N7	Switchboard Operator	4207
N14	Traffic Accident Investigator	6215
N12	Traffic Enforcement Technician	6231
N19	Training Captain	6115
N14	Utilities Specialist	5614
N15	Utilities Systems Specialist	5512
N13	Utilities Technician	5604
N12	Victim Advocate	3506
N12	Water Resources Technician	3334

**2007 PROPOSED
NON EXEMPT PAY PLAN**

<u>Grade</u>	<u>Step</u>	<u>Hourly Salary</u>	<u>Bi-Weekly Salary</u>	<u>Monthly Salary</u>	<u>Annual Salary</u>
N1	1	8.33	666.16	1447.32	17,367.85
	2	8.54	682.82	1483.50	17,802.05
	3	8.75	699.89	1520.59	18,247.10
	4	8.97	717.39	1558.61	18,703.27
	5	9.19	735.32	1597.57	19,170.86
	6	9.42	753.70	1637.51	19,650.13
	7	9.66	772.55	1678.45	20,141.38
	8	9.90	791.86	1720.41	20,644.92
	9	10.15	811.66	1763.42	21,161.04
	10	10.40	831.95	1807.51	21,690.06
	11	10.66	852.75	1852.69	22,232.32
N2	1	8.95	716.13	1555.87	18,670.44
	2	9.18	734.03	1594.77	19,137.20
	3	9.40	752.38	1634.64	19,615.63
	4	9.64	771.19	1675.50	20,106.02
	5	9.88	790.47	1717.39	20,608.67
	6	10.13	810.23	1760.32	21,123.89
	7	10.38	830.49	1804.33	21,651.98
	8	10.64	851.25	1849.44	22,193.28
	9	10.91	872.53	1895.68	22,748.12
	10	11.18	894.34	1943.07	23,316.82
	11	11.46	916.70	1991.65	23,899.74
N3	1	9.62	769.84	1672.56	20,070.72
	2	9.86	789.08	1714.37	20,572.49
	3	10.11	808.81	1757.23	21,086.80
	4	10.36	829.03	1801.16	21,613.97
	5	10.62	849.76	1846.19	22,154.32
	6	10.89	871.00	1892.35	22,708.18
	7	11.16	892.77	1939.66	23,275.88
	8	11.44	915.09	1988.15	23,857.78
	9	11.72	937.97	2037.85	24,454.23
	10	12.02	961.42	2088.80	25,065.58
	11	12.32	985.46	2141.02	25,692.22

**2007 PROPOSED
NON EXEMPT PAY PLAN**

<u>Grade</u>	<u>Step</u>	<u>Hourly Salary</u>	<u>Bi-Weekly Salary</u>	<u>Monthly Salary</u>	<u>Annual Salary</u>
N4	1	10.34	827.57	1798.00	21,576.03
	2	10.60	848.26	1842.95	22,115.43
	3	10.87	869.47	1889.03	22,668.31
	4	11.14	891.21	1936.25	23,235.02
	5	11.42	913.49	1984.66	23,815.90
	6	11.70	936.32	2034.27	24,411.29
	7	12.00	959.73	2085.13	25,021.58
	8	12.30	983.73	2137.26	25,647.11
	9	12.60	1008.32	2190.69	26,288.29
	10	12.92	1033.53	2245.46	26,945.50
	11	13.24	1059.37	2301.59	27,619.14
N5	1	11.12	889.64	1932.85	23,194.23
	2	11.40	911.88	1981.17	23,774.08
	3	11.68	934.68	2030.70	24,368.44
	4	11.98	958.05	2081.47	24,977.65
	5	12.27	982.00	2133.51	25,602.09
	6	12.58	1006.55	2186.84	26,242.14
	7	12.90	1031.71	2241.52	26,898.19
	8	13.22	1057.51	2297.55	27,570.65
	9	13.55	1083.94	2354.99	28,259.91
	10	13.89	1111.04	2413.87	28,966.41
	11	14.24	1138.82	2474.21	29,690.57
N6	1	11.95	956.37	2077.82	24,933.79
	2	12.25	980.27	2129.76	25,557.14
	3	12.56	1004.78	2183.01	26,196.07
	4	12.87	1029.90	2237.58	26,850.97
	5	13.20	1055.65	2293.52	27,522.24
	6	13.53	1082.04	2350.86	28,210.30
	7	13.86	1109.09	2409.63	28,915.56
	8	14.21	1136.82	2469.87	29,638.45
	9	14.57	1165.24	2531.62	30,379.41
	10	14.93	1194.37	2594.91	31,138.89
	11	15.30	1224.23	2659.78	31,917.37

**2007 PROPOSED
NON EXEMPT PAY PLAN**

<u>Grade</u>	<u>Step</u>	<u>Hourly Salary</u>	<u>Bi-Weekly Salary</u>	<u>Monthly Salary</u>	<u>Annual Salary</u>
N7	1	12.85	1028.09	2233.65	26,803.83
	2	13.17	1053.80	2289.49	27,473.93
	3	13.50	1080.14	2346.73	28,160.77
	4	13.84	1107.14	2405.40	28,864.79
	5	14.19	1134.82	2465.53	29,586.41
	6	14.54	1163.19	2527.17	30,326.07
	7	14.90	1192.27	2590.35	31,084.22
	8	15.28	1222.08	2655.11	31,861.33
	9	15.66	1252.63	2721.49	32,657.86
	10	16.05	1283.95	2789.53	33,474.31
	11	16.45	1316.05	2859.26	34,311.17
N8	1	13.82	1105.20	2401.18	28,814.12
	2	14.16	1132.83	2461.21	29,534.47
	3	14.51	1161.15	2522.74	30,272.83
	4	14.88	1190.18	2585.80	31,029.65
	5	15.25	1219.93	2650.45	31,805.39
	6	15.63	1250.43	2716.71	32,600.53
	7	16.02	1281.69	2784.63	33,415.54
	8	16.42	1313.74	2854.24	34,250.93
	9	16.83	1346.58	2925.60	35,107.20
	10	17.25	1380.24	2998.74	35,984.88
	11	17.68	1414.75	3073.71	36,884.51
N9	1	14.85	1188.09	2581.26	30,975.18
	2	15.22	1217.79	2645.80	31,749.55
	3	15.60	1248.24	2711.94	32,543.29
	4	15.99	1279.44	2779.74	33,356.88
	5	16.39	1311.43	2849.23	34,190.80
	6	16.80	1344.22	2920.46	35,045.57
	7	17.22	1377.82	2993.48	35,921.71
	8	17.65	1412.27	3068.31	36,819.75
	9	18.09	1447.57	3145.02	37,740.24
	10	18.55	1483.76	3223.65	38,683.75
	11	19.01	1520.86	3304.24	39,650.84

**2007 PROPOSED
NON EXEMPT PAY PLAN**

<u>Grade</u>	<u>Step</u>	<u>Hourly Salary</u>	<u>Bi-Weekly Salary</u>	<u>Monthly Salary</u>	<u>Annual Salary</u>
N10	1	15.96	1277.20	2774.86	33,298.31
	2	16.36	1309.13	2844.23	34,130.77
	3	16.77	1341.86	2915.34	34,984.04
	4	17.19	1375.40	2988.22	35,858.64
	5	17.62	1409.79	3062.93	36,755.11
	6	18.06	1445.03	3139.50	37,673.99
	7	18.51	1481.16	3217.99	38,615.84
	8	18.98	1518.19	3298.44	39,581.23
	9	19.45	1556.14	3380.90	40,570.76
	10	19.94	1595.04	3465.42	41,585.03
	11	20.44	1634.92	3552.05	42,624.66
N11	1	17.16	1372.99	2982.97	35,795.69
	2	17.59	1407.31	3057.55	36,690.58
	3	18.03	1442.49	3133.99	37,607.84
	4	18.48	1478.56	3212.34	38,548.04
	5	18.94	1515.52	3292.65	39,511.74
	6	19.42	1553.41	3374.96	40,499.53
	7	19.90	1592.24	3459.34	41,512.02
	8	20.40	1632.05	3545.82	42,549.82
	9	20.91	1672.85	3634.46	43,613.57
	10	21.43	1714.67	3725.33	44,703.91
	11	21.97	1757.54	3818.46	45,821.51
NF11	1	12.26	1372.99	2982.97	35,795.69
	2	12.57	1407.31	3057.55	36,690.58
	3	12.88	1442.49	3133.99	37,607.84
	4	13.20	1478.56	3212.34	38,548.04
	5	13.53	1515.52	3292.65	39,511.74
	6	13.87	1553.41	3374.96	40,499.53
	7	14.22	1592.24	3459.34	41,512.02
	8	14.57	1632.05	3545.82	42,549.82
	9	14.94	1672.85	3634.46	43,613.57
	10	15.31	1714.67	3725.33	44,703.91
	11	15.69	1757.54	3818.46	45,821.51

**2007 PROPOSED
NON EXEMPT PAY PLAN**

<u>Grade</u>	<u>Step</u>	<u>Hourly Salary</u>	<u>Bi-Weekly Salary</u>	<u>Monthly Salary</u>	<u>Annual Salary</u>
N12	1	18.45	1475.96	3206.70	38,480.36
	2	18.91	1512.86	3286.86	39,442.37
	3	19.38	1550.68	3369.04	40,428.43
	4	19.87	1589.45	3453.26	41,439.14
	5	20.36	1629.18	3539.59	42,475.12
	6	20.87	1669.91	3628.08	43,537.00
	7	21.40	1711.66	3718.79	44,625.42
	8	21.93	1754.45	3811.75	45,741.06
	9	22.48	1798.31	3907.05	46,884.59
	10	23.04	1843.27	4004.73	48,056.70
	11	23.62	1889.35	4104.84	49,258.12
N13	1	19.83	1586.66	3447.20	41,366.39
	2	20.33	1626.32	3533.38	42,400.55
	3	20.84	1666.98	3621.71	43,460.56
	4	21.36	1708.66	3712.26	44,547.08
	5	21.89	1751.37	3805.06	45,660.76
	6	22.44	1795.16	3900.19	46,802.27
	7	23.00	1840.04	3997.69	47,972.33
	8	23.58	1886.04	4097.64	49,171.64
	9	24.16	1933.19	4200.08	50,400.93
	10	24.77	1981.52	4305.08	51,660.95
	11	25.39	2031.06	4412.71	52,952.48
N14	1	21.32	1705.66	3705.74	44,468.87
	2	21.85	1748.30	3798.38	45,580.59
	3	22.40	1792.01	3893.34	46,720.11
	4	22.96	1836.81	3990.68	47,888.11
	5	23.53	1882.73	4090.44	49,085.31
	6	24.12	1929.79	4192.70	50,312.44
	7	24.73	1978.04	4297.52	51,570.26
	8	25.34	2027.49	4404.96	52,859.51
	9	25.98	2078.18	4515.08	54,181.00
	10	26.63	2130.13	4627.96	55,535.53
	11	27.29	2183.39	4743.66	56,923.91

**2007 PROPOSED
NON EXEMPT PAY PLAN**

<u>Grade</u>	<u>Step</u>	<u>Hourly Salary</u>	<u>Bi-Weekly Salary</u>	<u>Monthly Salary</u>	<u>Annual Salary</u>
NF14	1	15.23	1705.66	3705.74	44,468.87
	2	15.61	1748.30	3798.38	45,580.59
	3	16.00	1792.01	3893.34	46,720.11
	4	16.40	1836.81	3990.68	47,888.11
	5	16.81	1882.73	4090.44	49,085.31
	6	17.23	1929.79	4192.70	50,312.44
	7	17.66	1978.04	4297.52	51,570.26
	8	18.10	2027.49	4404.96	52,859.51
	9	18.56	2078.18	4515.08	54,181.00
	10	19.02	2130.13	4627.96	55,535.53
	11	19.49	2183.39	4743.66	56,923.91
N15	1	22.92	1833.58	3983.67	47,804.04
	2	23.49	1879.42	4083.26	48,999.14
	3	24.08	1926.41	4185.34	50,224.11
	4	24.68	1974.57	4289.98	51,479.72
	5	25.30	2023.93	4397.23	52,766.71
	6	25.93	2074.53	4507.16	54,085.88
	7	26.58	2126.39	4619.84	55,438.03
	8	27.24	2179.55	4735.33	56,823.98
	9	27.93	2234.04	4853.71	58,244.58
	10	28.62	2289.89	4975.06	59,700.69
	11	29.34	2347.14	5099.43	61,193.21
NF15	1	16.37	1833.58	3983.67	47,804.04
	2	16.78	1879.42	4083.26	48,999.14
	3	17.20	1926.41	4185.34	50,224.11
	4	17.63	1974.57	4289.98	51,479.72
	5	18.07	2023.93	4397.23	52,766.71
	6	18.52	2074.53	4507.16	54,085.88
	7	18.99	2126.39	4619.84	55,438.03
	8	19.46	2179.55	4735.33	56,823.98
	9	19.95	2234.04	4853.71	58,244.58
	10	20.45	2289.89	4975.06	59,700.69
	11	20.96	2347.14	5099.43	61,193.21

**2007 PROPOSED
NON EXEMPT PAY PLAN**

<u>Grade</u>	<u>Step</u>	<u>Hourly Salary</u>	<u>Bi-Weekly Salary</u>	<u>Monthly Salary</u>	<u>Annual Salary</u>
N16	1	24.64	1971.10	4282.44	51,389.34
	2	25.25	2020.38	4389.51	52,674.07
	3	25.89	2070.89	4499.24	53,990.92
	4	26.53	2122.66	4611.72	55,340.70
	5	27.20	2175.73	4727.02	56,724.21
	6	27.88	2230.12	4845.19	58,142.32
	7	28.57	2285.87	4966.32	59,595.88
	8	29.29	2343.02	5090.48	61,085.77
	9	30.02	2401.59	5217.74	62,612.92
	10	30.77	2461.63	5348.19	64,178.24
	11	31.54	2523.17	5481.89	65,782.70
NF16	1	17.60	1971.10	4282.44	51,389.34
	2	18.04	2020.38	4389.51	52,674.07
	3	18.49	2070.89	4499.24	53,990.92
	4	18.95	2122.66	4611.72	55,340.70
	5	19.43	2175.73	4727.02	56,724.21
	6	19.91	2230.12	4845.19	58,142.32
	7	20.41	2285.87	4966.32	59,595.88
	8	20.92	2343.02	5090.48	61,085.77
	9	21.44	2401.59	5217.74	62,612.92
	10	21.98	2461.63	5348.19	64,178.24
	11	22.53	2523.17	5481.89	65,782.70
N17	1	26.49	2118.93	4603.63	55,243.54
	2	27.15	2171.91	4718.72	56,624.63
	3	27.83	2226.20	4836.69	58,040.24
	4	28.52	2281.86	4957.60	59,491.25
	5	29.24	2338.91	5081.54	60,978.53
	6	29.97	2397.38	5208.58	62,502.99
	7	30.72	2457.31	5338.80	64,065.57
	8	31.48	2518.74	5472.27	65,667.21
	9	32.27	2581.71	5609.07	67,308.89
	10	33.08	2646.26	5749.30	68,991.61
	11	33.91	2712.41	5893.03	70,716.40

**2007 PROPOSED
NON EXEMPT PAY PLAN**

<u>Grade</u>	<u>Step</u>	<u>Hourly Salary</u>	<u>Bi-Weekly Salary</u>	<u>Monthly Salary</u>	<u>Annual Salary</u>
NF17	1	18.92	2118.93	4603.63	55,243.54
	2	19.39	2171.91	4718.72	56,624.63
	3	19.88	2226.20	4836.69	58,040.24
	4	20.37	2281.86	4957.60	59,491.25
	5	20.88	2338.91	5081.54	60,978.53
	6	21.41	2397.38	5208.58	62,502.99
	7	21.94	2457.31	5338.80	64,065.57
	8	22.49	2518.74	5472.27	65,667.21
	9	23.05	2581.71	5609.07	67,308.89
	10	23.63	2646.26	5749.30	68,991.61
	11	24.22	2712.41	5893.03	70,716.40
N18	1	28.47	2277.85	4948.90	59,386.80
	2	29.18	2334.80	5072.62	60,871.47
	3	29.91	2393.17	5199.44	62,393.26
	4	30.66	2453.00	5329.42	63,953.09
	5	31.43	2514.32	5462.66	65,551.92
	6	32.21	2577.18	5599.23	67,190.72
	7	33.02	2641.61	5739.21	68,870.49
	8	33.85	2707.65	5882.69	70,592.25
	9	34.69	2775.34	6029.75	72,357.05
	10	35.56	2844.73	6180.50	74,165.98
	11	36.45	2915.84	6335.01	76,020.13
NF18	1	20.34	2277.85	4948.90	59,386.80
	2	20.85	2334.80	5072.62	60,871.47
	3	21.37	2393.17	5199.44	62,393.26
	4	21.90	2453.00	5329.42	63,953.09
	5	22.45	2514.32	5462.66	65,551.92
	6	23.01	2577.18	5599.23	67,190.72
	7	23.59	2641.61	5739.21	68,870.49
	8	24.18	2707.65	5882.69	70,592.25
	9	24.78	2775.34	6029.75	72,357.05
	10	25.40	2844.73	6180.50	74,165.98
	11	26.03	2915.84	6335.01	76,020.13

**2007 PROPOSED
NON EXEMPT PAY PLAN**

<u>Grade</u>	<u>Step</u>	<u>Hourly Salary</u>	<u>Bi-Weekly Salary</u>	<u>Monthly Salary</u>	<u>Annual Salary</u>
N19	1	30.61	2448.69	5320.07	63,840.81
	2	31.37	2509.91	5453.07	65,436.83
	3	32.16	2572.66	5589.40	67,072.76
	4	32.96	2636.97	5729.13	68,749.57
	5	33.79	2702.90	5872.36	70,468.31
	6	34.63	2770.47	6019.17	72,230.02
	7	35.50	2839.73	6169.65	74,035.77
	8	36.38	2910.72	6323.89	75,886.67
	9	37.29	2983.49	6481.99	77,783.83
	10	38.23	3058.08	6644.04	79,728.43
	11	39.18	3134.53	6810.14	81,721.64

**2008 PROPOSED
NON EXEMPT PAY PLAN**

<u>Grade</u>	<u>Step</u>	<u>Hourly Salary</u>	<u>Bi-Weekly Salary</u>	<u>Monthly Salary</u>	<u>Annual Salary</u>
N1	1	8.41	672.83	1461.79	17,541.53
	2	8.62	689.65	1498.34	17,980.07
	3	8.84	706.89	1535.80	18,429.57
	4	9.06	724.56	1574.19	18,890.31
	5	9.28	742.67	1613.55	19,362.57
	6	9.52	761.24	1653.89	19,846.63
	7	9.75	780.27	1695.23	20,342.80
	8	10.00	799.78	1737.61	20,851.37
	9	10.25	819.77	1781.05	21,372.65
	10	10.50	840.27	1825.58	21,906.97
	11	10.77	861.27	1871.22	22,454.64
N2	1	9.04	723.29	1571.43	18,857.14
	2	9.27	741.37	1610.71	19,328.57
	3	9.50	759.91	1650.98	19,811.79
	4	9.74	778.90	1692.26	20,307.08
	5	9.98	798.38	1734.56	20,814.76
	6	10.23	818.33	1777.93	21,335.13
	7	10.48	838.79	1822.38	21,868.51
	8	10.75	859.76	1867.93	22,415.22
	9	11.02	881.26	1914.63	22,975.60
	10	11.29	903.29	1962.50	23,549.99
	11	11.57	925.87	2011.56	24,138.74
N3	1	9.72	777.54	1689.29	20,271.43
	2	9.96	796.97	1731.52	20,778.22
	3	10.21	816.90	1774.81	21,297.67
	4	10.47	837.32	1819.18	21,830.11
	5	10.73	858.25	1864.66	22,375.87
	6	11.00	879.71	1911.27	22,935.26
	7	11.27	901.70	1959.05	23,508.64
	8	11.55	924.24	2008.03	24,096.36
	9	11.84	947.35	2058.23	24,698.77
	10	12.14	971.03	2109.69	25,316.24
	11	12.44	995.31	2162.43	25,949.15

**2008 PROPOSED
NON EXEMPT PAY PLAN**

<u>Grade</u>	<u>Step</u>	<u>Hourly Salary</u>	<u>Bi-Weekly Salary</u>	<u>Monthly Salary</u>	<u>Annual Salary</u>
N4	1	10.45	835.85	1815.98	21,791.79
	2	10.71	856.75	1861.38	22,336.58
	3	10.98	878.17	1907.92	22,895.00
	4	11.25	900.12	1955.61	23,467.37
	5	11.53	922.62	2004.50	24,054.06
	6	11.82	945.69	2054.62	24,655.41
	7	12.12	969.33	2105.98	25,271.79
	8	12.42	993.56	2158.63	25,903.59
	9	12.73	1018.40	2212.60	26,551.18
	10	13.05	1043.86	2267.91	27,214.96
	11	13.37	1069.96	2324.61	27,895.33
N5	1	11.23	898.54	1952.18	23,426.17
	2	11.51	921.00	2000.99	24,011.83
	3	11.80	944.03	2051.01	24,612.12
	4	12.10	967.63	2102.29	25,227.43
	5	12.40	991.82	2154.84	25,858.11
	6	12.71	1016.61	2208.71	26,504.56
	7	13.03	1042.03	2263.93	27,167.18
	8	13.35	1068.08	2320.53	27,846.36
	9	13.68	1094.78	2378.54	28,542.52
	10	14.03	1122.15	2438.01	29,256.08
	11	14.38	1150.21	2498.96	29,987.48
N6	1	12.07	965.93	2098.59	25,183.13
	2	12.38	990.08	2151.06	25,812.71
	3	12.69	1014.83	2204.84	26,458.03
	4	13.00	1040.20	2259.96	27,119.48
	5	13.33	1066.21	2316.46	27,797.47
	6	13.66	1092.86	2374.37	28,492.41
	7	14.00	1120.18	2433.73	29,204.72
	8	14.35	1148.19	2494.57	29,934.83
	9	14.71	1176.89	2556.93	30,683.20
	10	15.08	1206.31	2620.86	31,450.28
	11	15.46	1236.47	2686.38	32,236.54

**2008 PROPOSED
NON EXEMPT PAY PLAN**

<u>Grade</u>	<u>Step</u>	<u>Hourly Salary</u>	<u>Bi-Weekly Salary</u>	<u>Monthly Salary</u>	<u>Annual Salary</u>
N7	1	12.98	1038.37	2255.99	27,071.87
	2	13.30	1064.33	2312.39	27,748.67
	3	13.64	1090.94	2370.20	28,442.38
	4	13.98	1118.22	2429.45	29,153.44
	5	14.33	1146.17	2490.19	29,882.28
	6	14.69	1174.83	2552.44	30,629.34
	7	15.05	1204.20	2616.26	31,395.07
	8	15.43	1234.30	2681.66	32,179.95
	9	15.81	1265.16	2748.70	32,984.44
	10	16.21	1296.79	2817.42	33,809.06
	11	16.62	1329.21	2887.86	34,654.28
N8	1	13.95	1116.25	2425.19	29,102.26
	2	14.30	1144.16	2485.82	29,829.82
	3	14.66	1172.76	2547.96	30,575.56
	4	15.03	1202.08	2611.66	31,339.95
	5	15.40	1232.13	2676.95	32,123.45
	6	15.79	1262.94	2743.88	32,926.54
	7	16.18	1294.51	2812.47	33,749.70
	8	16.59	1326.87	2882.79	34,593.44
	9	17.00	1360.05	2954.86	35,458.28
	10	17.43	1394.05	3028.73	36,344.74
	11	17.86	1428.90	3104.45	37,253.35
N9	1	15.00	1199.97	2607.08	31,284.93
	2	15.37	1229.97	2672.25	32,067.05
	3	15.76	1260.72	2739.06	32,868.73
	4	16.15	1292.24	2807.54	33,690.45
	5	16.56	1324.54	2877.73	34,532.71
	6	16.97	1357.66	2949.67	35,396.03
	7	17.39	1391.60	3023.41	36,280.93
	8	17.83	1426.39	3099.00	37,187.95
	9	18.28	1462.05	3176.47	38,117.65
	10	18.73	1498.60	3255.88	39,070.59
	11	19.20	1536.06	3337.28	40,047.36

**2008 PROPOSED
NON EXEMPT PAY PLAN**

<u>Grade</u>	<u>Step</u>	<u>Hourly Salary</u>	<u>Bi-Weekly Salary</u>	<u>Monthly Salary</u>	<u>Annual Salary</u>
N10	1	16.12	1289.97	2802.61	33,631.30
	2	16.53	1322.22	2872.67	34,472.08
	3	16.94	1355.27	2944.49	35,333.88
	4	17.36	1389.16	3018.10	36,217.23
	5	17.80	1423.88	3093.56	37,122.66
	6	18.24	1459.48	3170.89	38,050.73
	7	18.70	1495.97	3250.17	39,002.00
	8	19.17	1533.37	3331.42	39,977.05
	9	19.65	1571.70	3414.71	40,976.47
	10	20.14	1610.99	3500.07	42,000.88
	11	20.64	1651.27	3587.58	43,050.91
N11	1	17.33	1386.72	3012.80	36,153.65
	2	17.77	1421.38	3088.12	37,057.49
	3	18.21	1456.92	3165.33	37,983.93
	4	18.67	1493.34	3244.46	38,933.52
	5	19.13	1530.68	3325.57	39,906.86
	6	19.61	1568.94	3408.71	40,904.53
	7	20.10	1608.17	3493.93	41,927.15
	8	20.60	1648.37	3581.28	42,975.33
	9	21.12	1689.58	3670.81	44,049.71
	10	21.65	1731.82	3762.58	45,150.95
	11	22.19	1775.11	3856.64	46,279.72
NF11	1	12.38	1386.72	3012.80	36,153.65
	2	12.69	1421.38	3088.12	37,057.49
	3	13.01	1456.92	3165.33	37,983.93
	4	13.33	1493.34	3244.46	38,933.52
	5	13.67	1530.68	3325.57	39,906.86
	6	14.01	1568.94	3408.71	40,904.53
	7	14.36	1608.17	3493.93	41,927.15
	8	14.72	1648.37	3581.28	42,975.33
	9	15.09	1689.58	3670.81	44,049.71
	10	15.46	1731.82	3762.58	45,150.95
	11	15.85	1775.11	3856.64	46,279.72

**2008 PROPOSED
NON EXEMPT PAY PLAN**

<u>Grade</u>	<u>Step</u>	<u>Hourly Salary</u>	<u>Bi-Weekly Salary</u>	<u>Monthly Salary</u>	<u>Annual Salary</u>
N12	1	18.63	1490.72	3238.76	38,865.17
	2	19.10	1527.99	3319.73	39,836.80
	3	19.58	1566.19	3402.73	40,832.72
	4	20.07	1605.34	3487.79	41,853.54
	5	20.57	1645.48	3574.99	42,899.88
	6	21.08	1686.61	3664.36	43,972.37
	7	21.61	1728.78	3755.97	45,071.68
	8	22.15	1772.00	3849.87	46,198.47
	9	22.70	1816.30	3946.12	47,353.44
	10	23.27	1861.71	4044.77	48,537.27
	11	23.85	1908.25	4145.89	49,750.70
N13	1	20.03	1602.52	3481.67	41,780.06
	2	20.53	1642.59	3568.71	42,824.56
	3	21.05	1683.65	3657.93	43,895.17
	4	21.57	1725.74	3749.38	44,992.55
	5	22.11	1768.89	3843.11	46,117.37
	6	22.66	1813.11	3939.19	47,270.30
	7	23.23	1858.44	4037.67	48,452.06
	8	23.81	1904.90	4138.61	49,663.36
	9	24.41	1952.52	4242.08	50,904.94
	10	25.02	2001.33	4348.13	52,177.57
	11	25.64	2051.37	4456.83	53,482.01
N14	1	21.53	1722.71	3742.80	44,913.56
	2	22.07	1765.78	3836.37	46,036.40
	3	22.62	1809.93	3932.28	47,187.31
	4	23.19	1855.17	4030.58	48,366.99
	5	23.77	1901.55	4131.35	49,576.17
	6	24.36	1949.09	4234.63	50,815.57
	7	24.97	1997.82	4340.50	52,085.96
	8	25.60	2047.77	4449.01	53,388.11
	9	26.24	2098.96	4560.23	54,722.81
	10	26.89	2151.43	4674.24	56,090.89
	11	27.57	2205.22	4791.10	57,493.16

**2008 PROPOSED
NON EXEMPT PAY PLAN**

<u>Grade</u>	<u>Step</u>	<u>Hourly Salary</u>	<u>Bi-Weekly Salary</u>	<u>Monthly Salary</u>	<u>Annual Salary</u>
NF14	1	15.38	1722.71	3742.80	44,913.56
	2	15.77	1765.78	3836.37	46,036.40
	3	16.16	1809.93	3932.28	47,187.31
	4	16.56	1855.17	4030.58	48,366.99
	5	16.98	1901.55	4131.35	49,576.17
	6	17.40	1949.09	4234.63	50,815.57
	7	17.84	1997.82	4340.50	52,085.96
	8	18.28	2047.77	4449.01	53,388.11
	9	18.74	2098.96	4560.23	54,722.81
	10	19.21	2151.43	4674.24	56,090.89
	11	19.69	2205.22	4791.10	57,493.16
N15	1	23.15	1851.92	4023.51	48,282.08
	2	23.73	1898.22	4124.09	49,489.13
	3	24.32	1945.67	4227.20	50,726.36
	4	24.93	1994.31	4332.88	51,994.52
	5	25.55	2044.17	4441.20	53,294.38
	6	26.19	2095.27	4552.23	54,626.74
	7	26.85	2147.66	4666.03	55,992.41
	8	27.52	2201.35	4782.69	57,392.22
	9	28.20	2256.38	4902.25	58,827.03
	10	28.91	2312.79	5024.81	60,297.70
	11	29.63	2370.61	5150.43	61,805.14
NF15	1	16.53	1851.92	4023.51	48,282.08
	2	16.95	1898.22	4124.09	49,489.13
	3	17.37	1945.67	4227.20	50,726.36
	4	17.81	1994.31	4332.88	51,994.52
	5	18.25	2044.17	4441.20	53,294.38
	6	18.71	2095.27	4552.23	54,626.74
	7	19.18	2147.66	4666.03	55,992.41
	8	19.65	2201.35	4782.69	57,392.22
	9	20.15	2256.38	4902.25	58,827.03
	10	20.65	2312.79	5024.81	60,297.70
	11	21.17	2370.61	5150.43	61,805.14

**2008 PROPOSED
NON EXEMPT PAY PLAN**

<u>Grade</u>	<u>Step</u>	<u>Hourly Salary</u>	<u>Bi-Weekly Salary</u>	<u>Monthly Salary</u>	<u>Annual Salary</u>
N16	1	24.89	1990.81	4325.27	51,903.24
	2	25.51	2040.58	4433.40	53,200.82
	3	26.14	2091.60	4544.24	54,530.84
	4	26.80	2143.89	4657.84	55,894.11
	5	27.47	2197.48	4774.29	57,291.46
	6	28.16	2252.42	4893.65	58,723.75
	7	28.86	2308.73	5015.99	60,191.84
	8	29.58	2366.45	5141.39	61,696.64
	9	30.32	2425.61	5269.92	63,239.05
	10	31.08	2486.25	5401.67	64,820.03
	11	31.86	2548.41	5536.71	66,440.53
NF16	1	17.78	1990.81	4325.27	51,903.24
	2	18.22	2040.58	4433.40	53,200.82
	3	18.67	2091.60	4544.24	54,530.84
	4	19.14	2143.89	4657.84	55,894.11
	5	19.62	2197.48	4774.29	57,291.46
	6	20.11	2252.42	4893.65	58,723.75
	7	20.61	2308.73	5015.99	60,191.84
	8	21.13	2366.45	5141.39	61,696.64
	9	21.66	2425.61	5269.92	63,239.05
	10	22.20	2486.25	5401.67	64,820.03
	11	22.75	2548.41	5536.71	66,440.53
N17	1	26.75	2140.12	4649.66	55,795.98
	2	27.42	2193.63	4765.91	57,190.88
	3	28.11	2248.47	4885.05	58,620.65
	4	28.81	2304.68	5007.18	60,086.17
	5	29.53	2362.29	5132.36	61,588.32
	6	30.27	2421.35	5260.67	63,128.03
	7	31.02	2481.89	5392.19	64,706.23
	8	31.80	2543.93	5526.99	66,323.88
	9	32.59	2607.53	5665.17	67,981.98
	10	33.41	2672.72	5806.79	69,681.53
	11	34.24	2739.54	5951.96	71,423.57

**2008 PROPOSED
NON EXEMPT PAY PLAN**

<u>Grade</u>	<u>Step</u>	<u>Hourly Salary</u>	<u>Bi-Weekly Salary</u>	<u>Monthly Salary</u>	<u>Annual Salary</u>
NF17	1	19.11	2140.12	4649.66	55,795.98
	2	19.59	2193.63	4765.91	57,190.88
	3	20.08	2248.47	4885.05	58,620.65
	4	20.58	2304.68	5007.18	60,086.17
	5	21.09	2362.29	5132.36	61,588.32
	6	21.62	2421.35	5260.67	63,128.03
	7	22.16	2481.89	5392.19	64,706.23
	8	22.71	2543.93	5526.99	66,323.88
	9	23.28	2607.53	5665.17	67,981.98
	10	23.86	2672.72	5806.79	69,681.53
	11	24.46	2739.54	5951.96	71,423.57
N18	1	28.76	2300.63	4998.39	59,980.68
	2	29.48	2358.15	5123.35	61,480.19
	3	30.21	2417.10	5251.43	63,017.20
	4	30.97	2477.53	5382.72	64,592.63
	5	31.74	2539.47	5517.29	66,207.44
	6	32.54	2602.95	5655.22	67,862.63
	7	33.35	2668.03	5796.60	69,559.20
	8	34.18	2734.73	5941.51	71,298.18
	9	35.04	2803.10	6090.05	73,080.63
	10	35.91	2873.17	6242.30	74,907.65
	11	36.81	2945.00	6398.36	76,780.34
NF18	1	20.54	2300.63	4998.39	59,980.68
	2	21.05	2358.15	5123.35	61,480.19
	3	21.58	2417.10	5251.43	63,017.20
	4	22.12	2477.53	5382.72	64,592.63
	5	22.67	2539.47	5517.29	66,207.44
	6	23.24	2602.95	5655.22	67,862.63
	7	23.82	2668.03	5796.60	69,559.20
	8	24.42	2734.73	5941.51	71,298.18
	9	25.03	2803.10	6090.05	73,080.63
	10	25.65	2873.17	6242.30	74,907.65
	11	26.29	2945.00	6398.36	76,780.34

**2008 PROPOSED
NON EXEMPT PAY PLAN**

<u>Grade</u>	<u>Step</u>	<u>Hourly Salary</u>	<u>Bi-Weekly Salary</u>	<u>Monthly Salary</u>	<u>Annual Salary</u>
N19	1	30.91	2473.18	5373.27	64,479.23
	2	31.69	2535.01	5507.60	66,091.21
	3	32.48	2598.38	5645.29	67,743.49
	4	33.29	2663.34	5786.42	69,437.08
	5	34.12	2729.93	5931.08	71,173.00
	6	34.98	2798.17	6079.36	72,952.33
	7	35.85	2868.13	6231.34	74,776.14
	8	36.75	2939.83	6387.13	76,645.54
	9	37.67	3013.33	6546.81	78,561.68
	10	38.61	3088.66	6710.48	80,525.72
	11	39.57	3165.88	6878.24	82,538.86

2007-2008 Proposed Seasonal Pay Plan

<u>Class Code</u>	<u>Grade</u>	<u>Position</u>	<u>1st Year</u>	<u>2nd Year</u>	<u>3rd Year</u>
9011	S2	Assistant Supervisor	10.26	10.77	11.31
9021	S4	Community Services Coordinator	9.10	9.55	10.03
9002	S5	Gate Attendant	7.64	8.02	8.42
9012	S3	Golf Course Attendant	6.29	6.61	6.94
9015	S6	Golf Course Starter	7.29	7.65	8.03
9020	S7	Laboratory Aide	7.87	8.26	8.67
9006	S8	Outdoor Lifeguard	8.81	9.45	10.13
9005	S9	Outdoor Pool Manager	10.45	10.97	11.50
9026	S12	Summer Camp Aide	9.25	9.71	10.20
9027	S13	Summer Camp Leader	10.45	10.97	11.50
9028	S14	Summer Camp Supervisor	12.68	13.32	14.00
9014	S6	Range Attendant	7.29	7.65	8.03
9017	S16	Retail Shop Clerk	8.05	8.45	8.88
9019	S1	Seasonal Assistant Golf Professional	9.53	10.02	10.51
9008	S17	Seasonal Laborer	8.63	9.06	9.52
9004	S10	Seasonal Park Ranger	10.78	11.32	11.89
9003	S18	Seasonal Specialist	10.01	10.51	11.03
9001	S19	Seasonal Supervisor	11.06	11.62	12.20
9022	S3	Slide Attendant	6.29	6.61	6.94
9010	S5	Student Trainee	7.64	8.02	8.42

Progression through the pay range is based on administrative policy relating to length of service and job performance.

2007-2008 Proposed Golf Instructor Pay Plan

<u>Class Code</u>	<u>Grade</u>	<u>Position</u>	<u>Step 1</u>	<u>Step 2</u>
9061	G1	Golf Instructor Grade 1	20.00	25.00
9062	G2	Golf Instructor Grade 2	45.00	50.00
9063	G3	Golf Instructor Grade 3	55.00	60.00
9064	G4	Golf Instructor Grade 4	65.00	70.00

2007-2008 Proposed Emergency Relief Pay Plan

<u>Class Code</u>	<u>Grade</u>	<u>Position</u>	<u>Entry</u>	<u>Maximum</u>
9025	E1	- Emergency Worker	Min. Wage	200.00

Emergency Relief Pay Plan to be enacted only during a City of Westminster state of emergency

2007-2008 Proposed Hourly (non-benefited) Pay Plan

<u>Class Code</u>	<u>Grade</u>	<u>Position</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>
9101	H19	After Hours Facility Supervisor	19.24	20.63	22.12
9102	H13	After School Program Coordinator	13.67	14.66	15.72
9103	H6	Arts Instructor I	9.25	9.92	10.64
9104	H11	Arts Instructor II	12.40	13.30	14.26
9105	H5	Assistant Sport Coach	8.81	9.45	10.13
9106	H13	Bus Driver	13.67	14.66	15.72
9107	H2	Child Care Attendant	7.25	7.78	8.34
9108	H6	Child/Teen Activities Instructor I	9.25	9.92	10.64
9109	H10	Child/Teen Activities Instructor II	11.81	12.67	13.58
9110	H6	Climbing Wall Attendant	9.25	9.92	10.64
9111	H9	Climbing Wall Instructor	11.25	12.06	12.93
9112	H13	Dance Instructor	13.37	14.66	15.72
9113	H17	Dance Program Director	17.45	18.71	20.07
9114	H21	Dietitian	27.07	29.03	31.13
9115	H6	Dog Obedience Instructor	9.25	9.92	10.64
9116	H6	Field Trip Chaperone	9.25	9.92	10.64
9117	H15	Fitness Instructor I	15.07	16.16	17.33
9118	H16	Fitness Instructor II	15.83	16.97	18.20
9119	H5	Lifeguard (Hourly)	8.81	9.45	10.13
9120	H6	Martial Arts Instructor I	9.25	9.92	10.64
9121	H9	Martial Arts Instructor II	11.25	12.06	12.93
9122	H21	Massage Therapist	27.07	29.03	31.13
9123	H11	Outdoor Program Coordinator	12.40	13.30	14.26
9124	H18	Personal Trainer	18.32	19.65	21.07
9125	H20	Pilates Instructor	25.78	27.65	29.65
9126	H21	Pilates Reformer Instructor	27.07	29.03	31.13
9127	H5	Preschool Program Aide	8.81	9.45	10.13
9128	H12	Preschool Program Director (Licensed-Large)	13.02	13.96	14.97
9129	H11	Preschool Program Director (Licensed-Small)	12.40	13.30	14.26
9130	H8	Preschool Program Leader	10.20	10.94	11.73
9131	H16	Private Swim Lesson Instructor	15.83	16.97	18.20
9132	H3	Program Aide	7.61	8.16	8.75
9133	H3	Program Aide Aquatics	7.61	8.16	8.75
9134	H3	Program Aide Art Studio	7.61	8.16	8.75
9135	H3	Program Aide Child/Teen Activities	7.61	8.16	8.75
9136	H3	Program Aide Child/Teen Field Trips	7.61	8.16	8.75
9137	H3	Program Aide Dance	7.61	8.16	8.75
9138	H3	Program Aide Senior Trips	7.61	8.16	8.75
9139	H3	Program Aide Special Events	7.61	8.16	8.75
9140	H11	Program Coordinator	12.40	13.30	14.26
9141	H6	Program Instructor I	9.25	9.92	10.64
9142	H9	Program Instructor II	11.25	12.06	12.93
9143	H12	Safety Certification Instructor	13.02	13.96	14.97
9144	H2	Scorekeeper	7.25	7.78	8.34
9145	H18	Sign Language Interpreter	18.32	19.65	21.07
9146	H11	Sport Coach	12.40	13.30	14.26
9147	H17	Sport Official (Adult)	17.45	18.71	20.07

2007-2008 Proposed Hourly (non-benefited) Pay Plan

<u>Class Code</u>	<u>Grade</u>	<u>Position</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>
9148	H8	Sport Referee I (Youth)	10.20	10.94	11.73
9149	H15	Sport Referee II (Youth)	15.07	16.16	17.33
9150	H9	Sport Supervisor	11.25	12.06	12.93
9151	H7	Tot Activities Instructor (Non-licensed)	9.72	10.42	11.17
9152	H11	Tournament Director	12.40	13.30	14.26
9153	H4	Van Driver	8.39	9.00	9.65
9154	H9	Water Fitness Instructor I	11.25	12.06	12.93
9155	H13	Water Fitness Instructor II	13.67	14.66	15.72
9156	H20	Yoga Instructor	25.78	27.65	29.65



WESTMINSTER
COLORADO

Agenda Item 10 H&I

Agenda Memorandum

City Council Meeting
October 9, 2006



SUBJECT: Revised Employment Agreement with John A. Stipech and
Councillor's Bill No. 61 re Municipal Judge Salary

Prepared By: Matt Lutkus, Deputy City Manager for Administration

Recommended City Council Action

1. Authorize the Mayor to execute a revised employment agreement with John A. Stipech for his services as Presiding Judge for 2007 with an effective date of January 1, 2007 and an automatic renewal for 2008 unless terminated by City Council.
2. Pass Councillor's Bill No. 61 on first reading amending the salary for the Municipal Judge for 2007.

Summary Statement

- City Council is requested to approve a revised employment agreement with John A. Stipech for services as Presiding Judge for a one-year period beginning January 1, 2007. The agreement will automatically be renewed for 2008 unless it is terminated by City Council no later than October 31, 2007.
- Judge Stipech's 2007 combined salary and deferred compensation will be \$115,812, which represents a three percent increase over his annual compensation for 2006. The agreement allows the Judge to designate a portion of his salary as City-paid deferred compensation to be paid as a lump sum at the beginning of 2007.
- The attached proposed agreement with Judge Stipech is similar to the current employment agreement with the exceptions of the total allocated for salary and deferred compensation and a change in the effective dates of the contract.

Expenditure Required: \$115,812 plus the cost of fringe benefits as described in the attached employment agreement

Source of Funds: General Fund, Municipal Court Division Budget

Policy Issue

Whether to continue essentially the same employment agreement with John A. Stipech for 2007.

Alternative

Council could make further adjustments to the employment agreement with Judge Stipech.

Background Information

Since July 1991, City Council has used an employment agreement for Presiding Judge services. This approach is consistent with the practice of having employment agreements with the City Manager and the City Attorney who also serve at the pleasure of City Council. The agreement with the Presiding Judge addresses the overall duties of the position, the term of the agreement, compensation and benefits, professional development, and termination and separation provisions.

Judge Stipech graduated from the University of Utah in 1967 with a Bachelor of Arts Degree and received his Juris Doctorate degree from the University of Denver Law School in 1971. In July 1979, he was appointed as an Associate Judge in Westminster's Municipal Court and has served as Presiding Judge since January 1, 1996. He is a member of the Colorado and Adams County Bar Associations. Judge Stipech is an advisor to recipients of Habitat for Humanity homes, a member of the Westminster Rotary Club, and a member of the School District 50 Education Foundation Board of Directors.

The proposed employment agreement with Judge Stipech is similar to the current agreement that Council approved in October 2005 with exception of the effective dates of the agreement and the level of compensation.

City Council met with Judge Stipech on October 2 to review his job performance since his last performance appraisal and to determine his compensation for the coming year. The revised agreement incorporates the changes requested by Council and will provide for a combined salary and deferred compensation of \$115,812. This amount is \$3,373 or 3% higher than his total salary and deferred compensation for 2006. The employment agreement allows the Judge to designate a portion of his salary as deferred compensation up to the maximum allowed under Federal law. As in previous years, the proposed employment agreement with Judge Stipech provides that the Judge will receive fringe benefits extended to all department heads.

Funds are available in the Proposed 2007 Budget to provide for the salary and fringe benefits described in the agreement.

Section 16.2 of the Westminster City Charter requires that the Council set the Presiding Judge's salary by ordinance. The Councillor's Bill fulfills this requirement by updating the salary to reflect the amount listed in the proposed employment agreement.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

EMPLOYMENT AGREEMENT

THIS AGREEMENT, effective as of the 1st day of January, 2007, by and between the City of Westminster, State of Colorado, a municipal corporation, hereinafter called "CITY," and JOHN A. STIPECH, hereinafter called "EMPLOYEE," both of whom understand as follows:

WHEREAS, the CITY desires to continue to employ the services of John A. Stipech, as Presiding Municipal Judge of the City of Westminster as provided by City Charter, Chapter XVI, Section 16.2; and

WHEREAS, it is the desire of the City Council to provide certain benefits, establish certain conditions of employment, and to set working conditions of said EMPLOYEE; and

WHEREAS, it is the desire of the City Council to (1) secure and retain the services of EMPLOYEE and to provide inducement for him to remain in such employment; (2) make possible full work productivity by assuring EMPLOYEE'S morale and peace of mind with respect to future security; (3) act as a deterrent against malfeasance or dishonesty for personal gain on the part of EMPLOYEE; and (4) provide a just means for terminating EMPLOYEE'S services at such time as he may be unable to fully discharge his duties due to age or disability or when CITY may desire to otherwise terminate his employ; and

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties hereto agree as follows:

SECTION 1. DUTIES:

A. CITY hereby agrees to commence the employment of EMPLOYEE as Presiding Municipal Judge of CITY to perform the duties and functions specified in Section 16.2 of the City Charter, Chapter 22 of Title I of the City Code and such other legally and ethically permissible and proper duties and functions as the City Council shall from time to time assign.

B. EMPLOYEE shall administer the judicial component of the Municipal Court and shall be responsible for providing judicial coverage to insure efficient and expeditious hearing of all matters scheduled for hearing in the Court.

C. EMPLOYEE and the Court Administrator shall prepare and submit jointly a proposed budget for the Municipal Court following guidelines established by the City Manager. This budget shall be reviewed by the City Manager's Office and submitted to the City Council for final approval as part of the City Manager's recommended City Budget. Requests for changes in the budget during the fiscal year shall also be submitted through the City Manager's Office.

D. EMPLOYEE shall supervise the judicial staff of the Municipal Court as may be authorized by the City Council. EMPLOYEE shall provide advice and direction to the Court Administrator in connection with the governance of the Court staff.

SECTION 2. TERMS:

A. It is the intent of the City Council and the EMPLOYEE that EMPLOYEE will serve as Presiding Judge for calendar years 2007 and 2008. During the term of this Agreement, EMPLOYEE agrees to remain in the exclusive employ of CITY. Subject to the provisions of Section 2.D. and Section 3 of this Agreement, EMPLOYEE will serve as Presiding Municipal Judge for calendar years 2007 and 2008. EMPLOYEE is employed as a full-time employee and shall be compensated based upon his devoting normal business hours to his duties as Presiding Municipal Judge.

The term "employed" shall not be construed to include other judicial service, private law practice, teaching, writing, consulting work or other related activities performed on EMPLOYEE'S time off.

B. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the City Council to terminate the services of EMPLOYEE at any time, subject only to the provisions set forth in Section 3, Paragraph A and B of this Agreement.

C. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of EMPLOYEE to resign at any time from his position with the CITY, subject only to the provisions set forth in Section 3, paragraph C of this Agreement.

D. This Employment Agreement is for a one-year term, but shall be automatically renewed for 2008 unless terminated no later than October 31, 2008.

SECTION 3. TERMINATION, NOTICE AND SEVERANCE PAY:

A. In the event City Council decides to terminate EMPLOYEE before expiration of the aforementioned term of employment and during such time that EMPLOYEE is willing and able to perform the duties of Presiding Municipal Judge, then and in that event, the CITY agrees to give EMPLOYEE six (6) months' written notice or to pay EMPLOYEE a lump sum cash payment equal to his base salary for the ensuing six (6) months. In the event the City elects to terminate this Agreement without giving EMPLOYEE six (6) months' advance written notice thereof, the EMPLOYEE shall have as his sole and exclusive remedy the severance payment equal to six (6) months of EMPLOYEE'S base salary as provided in this paragraph and EMPLOYEE shall have no other rights or claims against the CITY and hereby expressly waives and releases the same, provided however, that in the event the EMPLOYEE is terminated because of his conviction of any illegal act, then, and in that event, CITY has no obligation to give notice or pay the aggregate severance sum designated in this paragraph.

B. In the event the CITY at any time during the employment term reduces the salary or other financial benefits of EMPLOYEE in a greater percentage than an applicable across the board reduction for all City employees, or in the event the CITY refuses, following written notice to comply with any other provisions benefiting EMPLOYEE herein, or the EMPLOYEE resigns following a formal suggestion by the City Council that he resign, then, and in that event, EMPLOYEE may, at his option, be deemed to be "terminated" at the date of such reduction, such refusal to comply or such resignation, within the meaning and content of the six (6) months' severance pay provisions herein.

C. In the event EMPLOYEE voluntarily resigns his position with the CITY before expiration of the aforesaid term of employment, then EMPLOYEE shall give the CITY four (4) months notice in advance in writing.

D. The parties may, by mutual written agreement, shorten the time required for written notification of termination or resignation set forth in paragraphs A and C of this Section 3, and paragraph D in Section 2.

E. In the event this Agreement is not renewed by the City Council, such non-renewal shall be considered a termination as provided for in Section 3.A hereof and shall entitle EMPLOYEE to the lump sum cash payment described therein.

SECTION 4. SALARY:

A. Effective January 1, 2007, the CITY agrees to pay EMPLOYEE for his services rendered pursuant hereto a combined annual salary and deferred compensation of \$115,812. EMPLOYEE'S base salary shall be payable in installments at the same time as other employees of the CITY are paid, except that the EMPLOYEE may elect to receive a portion of his compensation in the form of a lump sum amount of deferred compensation up to the then current maximum allowed by law.

B. CITY agrees to review the EMPLOYEE'S performance annually, no later than October 31 of each year. Salary evaluation each year shall be at the discretion of the CITY. Such evaluation shall consider the salary of judges of similar municipalities.

SECTION 5. HOURS OF WORK:

It is recognized that EMPLOYEE must devote a great deal of his time outside normal office hours to business of the CITY, and to that end EMPLOYEE will be allowed to take compensatory time off as he shall deem appropriate during normal office hours.

SECTION 6. DUES AND SUBSCRIPTIONS:

CITY agrees to budget and to pay the professional dues of EMPLOYEE necessary for his continuation and full participation in national, regional, state, and local associations and organizations necessary and desirable for his continued professional participation, growth and advancement, and for the good of the City.

SECTION 7. PROFESSIONAL DEVELOPMENT:

CITY agrees to budget and to pay registration, travel and subsistence expenses of EMPLOYEE for professional and official travel to meetings and occasions related to the professional development of EMPLOYEE and to official and other functions as a representative of the City, including, but not limited to, the American Bar Association, the Colorado Bar Association, the Colorado Municipal Judges Association, and continuing legal education courses and seminars related to topics of the judiciary. In addition to reasonably funding educational/training programs for EMPLOYEE'S professional staff, sufficient funds shall be budgeted to permit EMPLOYEE to attend at least one national, one statewide, and one local educational/training program each year.

SECTION 8. GENERAL EXPENSES:

CITY recognizes that certain expenses of a non-personal, job-affiliated nature are incurred by EMPLOYEE, and hereby agrees to reimburse or to pay said non-personal, job-affiliated expenses. Disbursement of such monies shall be made upon receipt of duly executed expense vouchers, receipts, statements, or personal affidavit.

SECTION 9. FRINGE BENEFITS:

EMPLOYEE will be allowed all benefits as are extended to Department Head level employees, including the monthly car allowance, except that when such benefits are in conflict with this contract, said contract shall control. The EMPLOYEE'S years of service with the City in an unbenefited capacity will be treated as years of continuous municipal service when the level of employee benefits is computed.

SECTION 10. OTHER TERMS AND CONDITIONS OF EMPLOYMENT:

A. The City Council shall fix any other terms and conditions of employment as it may from time to time determine, relating to the performance of EMPLOYEE, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement, the City Charter or any other law.

B. All provisions of the City Charter and Code, and regulations and rules of the City relating to vacation and sick leave, retirement and pension system contributions, holidays and other fringe benefits and working conditions as they now exist or hereafter may be amended, shall also apply to EMPLOYEE as they would to other employees of CITY in addition to said benefits enumerated specifically for the benefit of EMPLOYEE, except as herein provided.

C. EMPLOYEE is ultimately responsible for providing judicial coverage of all docketed matters in the Westminster Municipal Court.

SECTION 11. GENERAL PROVISIONS:

A. The text herein shall constitute the entire agreement between the parties.

B. This Agreement shall be binding upon and to the benefit of the heirs at law and executors of EMPLOYEE.

C. This Agreement becomes effective on January 1, 2007, and if automatically renewed shall be in effect through December 31, 2008.

D. If any provision, or any portion hereof contained in this Agreement is held to be unconstitutional, invalid or unenforceable, the portion thereof shall be deemed severable, and the remainder shall not be affected, and shall remain in full force and effect.

E. The parties agree that this contract is entered into and shall be governed by the laws of the State of Colorado.

F. Effective January 1, 2007, this Agreement replaces and supersedes prior employment agreements between CITY and employer.

IN WITNESS WHEREOF, the City of Westminster, Colorado, has caused this Agreement to be signed and executed on its behalf by its Mayor, and duly attested by its City Clerk, and employee.

Approved by the Westminster City Council on October 9, 2006, contingent upon approval of the Councillor's Bill amending Municipal Judge salary.

ATTEST:

Nancy McNally, Mayor

City Clerk

John A. Stipech

APPROVED AS TO FORM:

City Attorney

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **61**

SERIES OF 2006

INTRODUCED BY COUNCILLORS

**A BILL
FOR AN ORDINANCE AMENDING THE SALARY OF THE MUNICIPAL JUDGE**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 1-7-2, W.M.C., is hereby AMENDED as follows:

1-7-2: MUNICIPAL JUDGE: The salary of the Municipal Judge shall be as follows:

~~112,439~~ \$115,812 per annum payable bi-weekly inclusive of any amounts provided as City-paid deferred compensation.

Section 2. Severability: If any section, paragraph, clause, word or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part deemed unenforceable shall not affect any of the remaining provisions.

Section 3. This ordinance shall take effect on January 1, 2007.

Section 4. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 9th day of October, 2006.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 23rd day of October, 2006.

ATTEST:

Mayor

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 9, 2006



SUBJECT: 2007 City Employee Health Insurance Renewals and Rates

Prepared By: Matt Lutkus, Deputy City Manager for Administration
Susan Probst, Benefits Specialist

Recommended City Council Action

Authorize the City Manager to renew contracts with Great-West Healthcare, Kaiser Permanente and Delta Dental; and authorize the continuation of a four-tier rate structure with the employer and employee premium rates as shown on the attachments to this memorandum.

Summary Statement

- Staff is recommending the continuation of a three-option medical benefit package for employees: the Kaiser Permanente HMO, and Point of Service (POS) and Preferred Provider Organization (PPO) options provided through Great-West Healthcare.
- The proposed health care benefit package will require increases of 4% in premiums for both the City and employees for all plan options effective January 1, 2007, as well as the continuation of a “blended” rate for all the plan options (see attachment). This increase is a significant improvement from larger increases in the last few years, and is due to several factors including healthcare cost containment strategies implemented by the City and a proactive employee wellness program.
- Staff is also recommending adding implants as a covered benefit under the major service category for dental coverage. The City’s broker, Gallagher Benefits, estimated that the claims would be affected by a half of a percentage. There will be no increase in the maximum benefit and it will remain at \$1500 per person.
- The only adjustment in the plan structure is an increase in the self-funded specific stop loss limit from a \$100,000 attachment point per group member to a \$110,000 attachment point per member per year.
- The City’s cost for these benefits is within the amount included in the proposed 2007 budget for employee benefits.

Expenditure Required: \$7,896,236

Source of Funds:	General Fund	\$6,466,282
	Water Fund	\$ 950,601
	Wastewater Fund	\$ 317,153
	Golf Course Funds	\$ 162,200

Policy Issue

Should the City maintain essentially the same level of medical and dental coverage with the present sharing of premium costs between employee and employer?

Alternatives

1. Renew the health care plans at existing levels of coverage but shift the percentage of premiums paid by employees to a higher level, reducing the cost to the City for medical/dental benefits.
2. Reduce the level of coverage provided in the health care plans, thereby reducing the overall cost of the City medical/dental benefit budget.

The biennial benefit survey completed in 2006 demonstrated that the City of Westminster benefits were very competitive but not beyond the market. Staff therefore does not recommend either of these alternatives.

Background Information

The City currently provides all benefited employees with an excellent medical benefit package with coverage offered by Kaiser Permanente, a Health Maintenance Organization (HMO), and two self-insured options administered by Great-West Healthcare – a preferred provider organization plan (PPO) and point of service plan (POS). These plan options were put in place in 2003 when the City moved to Great-West Healthcare from Anthem Blue Cross Blue Shield. A summary of the plan benefits is attached.

The breakdown of enrollment in the three plans by the number of employees enrolled is as follows:

Great-West PPO Plan	85
Great-West POS Plan	490
Kaiser Permanente HMO	295
Number of employees opting out of plans	115

The City also self-insures its dental benefit. The PPO plan is administered by Delta Dental and, from an employee’s perspective, operates very much like a fully insured plan. Diagnostic and preventative services are provided at 100% while basic and major services are covered at 80% after a \$50 deductible. The maximum benefit per patient per calendar year is \$1500. Orthodontics is covered at 50% up to a maximum lifetime benefit of \$1,500.

The City pays for approximately 80% of the total cost of the medical plans. These employer contribution levels are competitive with those provided by other entities included in the City’s every-other-year salary and benefit survey.

Like employers throughout the country, the City has felt the pressures of steadily increasing medical costs. These increases are largely caused by increasing hospitalization costs, increasing costs for prescription drugs, increasing costs of physicians, increasing utilization of the benefit by employees and their dependents and the fact that, industry wide, previous efforts to manage healthcare costs have likely run their course.

The City self insures a large portion of its medical benefit. The City has an “administrative services only” or ASO contract with Great-West Healthcare. This contract includes the fixed costs of the plan, that is, third party administrative services, claims management review, specific claim excess insurance beyond the threshold of \$100,000 and aggregate stop loss insurance for the claim payments in excess of 125% of estimated claims. Beginning in 2007, the specific stop loss coverage will be increased from \$100,000 to \$110,000 per claim. Although the change will increase the City’s financial exposure, based on a review of prior years’ claims experience, the costs to the Plan are anticipated to be more than offset by the savings in stop loss insurance premiums.

The renewal quotes from Kaiser Permanente, Great-West and Delta Dental represent an overall 4% increase over the 2006 budgeted medical costs. This premium and funding level sets the rates at an estimated 104% of expected claims. The audited reserves for the self-funded Medical and Dental Fund were \$2,740,220 on December 31, 2005. This fund balance in the self-funded Medical and Dental Fund is sufficient to cover claims run out (three months worth of claims) and the 21% over estimated claims the City would be responsible for covering if claims experience reached the aggregate stop loss threshold of 125% of expected claims.

There continue to be clear advantages to remaining with a self-insured plan. This is due to the fact that the City has the ability under self-insurance plan to retain any savings that occur above claims and administrative costs, the City has the protection of the stop loss coverage, and it can be much more proactive with regard to controlling losses by directing wellness efforts in those areas where they are most needed.

For 2007, with the relatively low increase for the blended rate of healthcare plans, the decision was made to recommend continuing the current plan at least through the 2007 plan year. Given that the factors driving medical cost increases are still prevalent nationwide, it is very likely that steps will need to be taken in the future to curb the impact healthcare costs have on the City's budget.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

**City of Westminster
2007 Medical/Dental Rates
Exempt Employees & Administrative Officers
Effective 1/1/2007**

If the employee is a participant in the City's Wellness Program, increase the City portion and decrease the employee portion by the following: \$10.00 employee only, \$20.00 employee + child(ren) or spouse, \$30.00 employee + spouse + 1 or more child(ren).

FULL-TIME (1.0FTE) (40 Hours/week)	Total Monthly	Employee	City
	<u>Premium</u>	<u>Portion</u>	<u>Portion</u>
Employee only	\$405.90	\$40.24	\$365.66
Employee + child(ren)	\$857.40	\$113.10	\$744.30
Employee + spouse	\$880.78	\$116.24	\$764.54
Employee + spouse + 1 or more child(ren)	\$1,270.80	\$198.60	\$1,072.20
PART-TIME (.9FTE) (36 Hours/week)	Total Monthly	Employee	City
	<u>Premium</u>	<u>Portion</u>	<u>Portion</u>
Employee only	\$405.90	\$76.74	\$329.16
Employee + child(ren)	\$857.40	\$187.54	\$669.86
Employee + spouse	\$880.78	\$192.72	\$688.06
Employee + spouse + 1 or more child(ren)	\$1,270.80	\$273.30	\$997.50
PART-TIME (.8FTE) (32 Hours/week)	Total Monthly	Employee	City
	<u>Premium</u>	<u>Portion</u>	<u>Portion</u>
Employee only	\$405.90	\$113.32	\$292.58
Employee + child(ren)	\$857.40	\$262.02	\$595.38
Employee + spouse	\$880.78	\$269.18	\$611.60
Employee + spouse + 1 or more child(ren)	\$1,270.80	\$408.70	\$862.10
PART-TIME (.7FTE) (28 Hours/week)	Total Monthly	Employee	City
	<u>Premium</u>	<u>Portion</u>	<u>Portion</u>
Employee only	\$405.90	\$138.00	\$267.90
Employee + child(ren)	\$857.40	\$291.52	\$565.88
Employee + spouse	\$880.78	\$299.46	\$581.32
Employee + spouse + 1 or more child(ren)	\$1,270.80	\$424.72	\$846.08
PART-TIME (.6FTE) (24 Hours/week)	Total Monthly	Employee	City
	<u>Premium</u>	<u>Portion</u>	<u>Portion</u>
Employee only	\$405.90	\$150.14	\$255.76
Employee + child(ren)	\$857.40	\$317.22	\$540.18
Employee + spouse	\$880.78	\$325.88	\$554.90
Employee + spouse + 1 or more child(ren)	\$1,270.80	\$462.18	\$808.62
PART-TIME (.5FTE) (20 Hours/week)	Total Monthly	Employee	City
	<u>Premium</u>	<u>Portion</u>	<u>Portion</u>
Employee only	\$405.90	\$162.36	\$243.54
Employee + child(ren)	\$857.40	\$342.96	\$514.44
Employee + spouse	\$880.78	\$352.30	\$528.48
Employee + spouse + 1 or more child(ren)	\$1,270.80	\$499.68	\$771.12

City of Westminster
PPO/POS and HMO Plan Design
January 1, 2007

	Great West PPO Plan		Great West POS Plan		Kaiser HMO Plan
	In Network	Out of Network	In Network	Out of Network	
Benefits					
Deductible					
- Individual	\$200	\$400	\$100	\$400	\$0
- Family	\$400	\$800	\$200	\$800	\$0
	Do not cross accumulate				
Out of Pocket Max.					
- Individual	\$1,600	\$3,200	\$1,600	\$6,400	\$2,000
- Family	\$3,200	\$6,400	\$3,200	\$12,800	\$4,500
	Includes Deductible	Includes Deductible		Includes Deductible	
Lifetime Max.	\$2,000,000 combined in and out of network		Unlimited	\$2,000,000	No Max.
Coinsurance	80%	60% of allowable charges	90%	60% of allowable charges	N/A
Office Visit Copay	\$20 Copay	60% after Deductible	\$20 Copay	60% after Deductible	\$10 Routine/\$20 Specialist Copay \$0 Preventative Visits
Inpatient Hospital	80% after Deductible	60% after Deductible	90%	60% after Deductible	\$250 Copay/admission, 100% after
Outpatient Hospital	80% after Deductible	60% after Deductible	90%	60% after Deductible	\$100 Copay/visit
Emergency Room/Urgent Care Copay	80% after Deductible	60% after Deductible	\$100/visit (waived if admitted)	60% after Deductible	ER: \$100 Copay/visit Urgent Care: \$50 Copay/visit (ER: waived if admitted)
Well Baby (7 days - 24 months)	\$20 Copay	60% after Deductible	\$20 Copay	60% after Deductible	\$0 Preventative
Routine Physical (Adult Health Maintenance Visits)	\$20 Copay (No Max)	60% after Deductible	\$20 Copay (No Max)	60% after Deductible	\$0 Preventative
Rx					
- Retail	\$15/\$25/\$40	N/A	\$10/\$20/\$35	N/A	\$10/\$20 (for 60 day supply)
- Mail Order	2 x for 90 day supply		2 x for 90 day supply		\$10/\$20 (for 60 day supply)
Ambulance	80%, No Deductible		\$50 copay no deductible	60% after Deductible	80%, Max. \$500/trip
X-Ray & Lab	No Deductible, 80%	No Deductible, 60%	90%	No Deductible, 60%	100% (diagnostic) \$20 Therapeutic copay/visit \$100 copay for MRI,CT,PET or NMS
Mental Nervous & Substance Abuse Substance Abuse, and comined for both in/out of network) (5 day detox benefit-counts towards 45 day max)					
- Inpatient	50% after Deductible, 45	50% after Deductible	50%, 45 days/cal.yr.	50% after Deductible	\$250 Copay/visit, 45 day max.
- Outpatient	\$20 Copay for 30 visit max.	60% after Deductible	\$20 Copay for 30 visit max.	60% after Deductible	\$10 Copay/visit, 20 visit max.
Occupational, Speech, Hearing & Physical Therapy (combined visit max. for all therapy services per illness)					
- Inpatient	80% after Deductible	60% after Deductible	90%	60% after Deductible	\$250 Copay/adm./ind.
- Outpatient	\$20 Copay, 30 visit max./ condition	60% after Deductible	\$20 Copay, 30 visit max./condition	60% after Deductible	\$10 Copay/visit, 20 visit max.
Durable Medical Equipment	80% after Deductible	60% after Deductible	90%	60% after Deductible	20% coinsurance, \$2,000 max./yr.
Home Health Care	100%, 100 day max.	100%, 100 day max.	100%, 100 day max.	100%, 100 days	100%
Hospice	100%, 180 day max.	60%, 180 day max.	100%, 180 day max.	60%, 180 days	100%
Skilled Nursing	100%, 90 day max.	60%, 90 day max.	100%, 90 day max.	60%, 90 days	100%, 100 day max.
Chiropractic	\$20 Copay	60% after Deductible	\$20 Copay	60% after Deductible	\$10 Copay, 20 visit max.
	20 visit max. for both in/out of network		20 visit max. for both in/out of network		
Disclaimer:					
This summary is a brief overview of your benefits. In the event of a discrepancy between this summary and the contract, the contract will prevail.					
You can receive a detailed Summary Plan Description which describes your benefits in greater detail on line.					



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 9, 2006



SUBJECT: 2007 Property and Liability Excess Insurance Renewal

Prepared By: Martee Erichson, Risk Management Officer

Recommended City Council Action

Authorize the City Manager to enter into an agreement with the Colorado Intergovernmental Risk Sharing Agency for the purchase of excess stop loss insurance, and for claims management and other administration services in the amount of \$498,340 along with a 10% contingency amount (\$50,000) in the event the final quote comes in higher.

Summary Statement

- City Council action is requested to authorize the annual expenditure for the 2007 contribution to the Colorado Intergovernmental Risk Sharing Agency (CIRSA) for property and liability insurance.
- The City annually purchases insurance to cover assets (buildings, vehicles, equipment, and parks) and to protect itself from liability exposure resulting from claims brought against the City and its employees. This insurance is purchased through CIRSA. The preliminary quote from CIRSA for 2007 for property and liability coverage is \$498,340, which represents a contribution of \$500,375 minus a Loss Control Standards Audit credit of \$2,035.
- The final cost of coverage in 2006, before credits, was \$486,019. The preliminary quote for next year of \$500,375 represents an increase in contribution of \$14,356 (2.9%). 1.13% of the increase is due to increased exposures the City faces in 2007. Most significantly, the excess insurance carriers continue to ask for more detailed information and the City was required to identify insurable miscellaneous property that had not previously been documented. This miscellaneous property continues to grow for the City as we bring on more signs, fencing and street lights at new developments within the City. The remaining increase is due to the overall loss experience of the pool. The City continues to maintain a good individual loss experience, although an increase in the City's losses over the last three years has made our total loss experience less favorable than it has been in the past. In addition, as a member of an insurance pool, the City shares in the total losses to the pool. As a whole the pool experienced a 16% increase due to loss experience mostly in the area of police liability. The City also received a "Loss Control Standards Audit" credit of \$2,035 for 2007 since it exceeded CIRSA's standards for loss control measures.

Expenditure Required: Not to exceed \$548,340

Source of Funds: Property and Liability Self Insurance Fund

Policy Issue

Should the City continue to use a municipal insurance pool for placement of its property and liability coverage?

Alternative

City Council could reject staff's recommendations to utilize CIRSA for this insurance coverage and direct staff to seek proposals on the open insurance market. This process would be done utilizing an insurance brokerage firm, since most commercial insurance carriers do not deal directly with an insured. Brokerage fees for this service could run the City anywhere from \$30,000 to \$50,000 to bid out the insurance. Risk Management staff still believes it would be difficult for private insurance carriers to match the rates provided by CIRSA and obtain the customized services that CIRSA provides to government entities.

Background Information

The City of Westminster has been a member of the Colorado Intergovernmental Risk Sharing Agency since its inception in 1982. Since that time, the pool has grown from its original 18 cities to 225 members in 2006. CIRSA provides property and liability coverage that is tailored to meet municipal exposures. On January 1, 1988, the City implemented a large, self-insured retention program, electing to pay the first \$100,000 of each property claim and the first \$150,000 of each liability claim. In 2004, Risk Management staff recommended and City Council approved increasing the City's self-insured retention levels to \$200,000 per line of coverage to save on premium contribution costs. Risk Management staff recommends increasing the City's self-insured retention in 2007 from the current levels to \$250,000 per line of coverage. The contribution savings outweighs the risk of retaining an increase of \$50,000 in each claim, as the City has had only three covered claims that have exceeded the previous \$200,000 deductible and those only by a small amount. The premium to continue coverage with a \$200,000 deductible would have been \$532,701 – an increase in premium of \$46,682 (9.6%) from 2006. A reserve fund insures that funds are available to cover expenses under the self insured retention level in the event of a catastrophic year or a year in which multiple, large claims occur that fall within the retention level. The City's audited Property and Liability Fund balance at the end of 2005 was \$2,048,620.

The City has continued to purchase its excess property and liability coverage from CIRSA for several reasons:

- CIRSA has provided competitive quotes for its insurance
- CIRSA was established by municipalities specifically to provide insurance that meets the unique needs of Colorado cities and towns
- Unlike all brokers or private insurance companies, CIRSA does not charge commissions

The services provided by CIRSA include all claims handling, loss control, administrative services and the following excess coverage:

- Property coverage in excess of \$250,000 to \$501,000,000 (limits shared with all pool members)
- \$1,000,000 per occurrence/aggregate business interruption coverage
- Public officials liability coverage from \$250,000 to \$5,000,000 per occurrence and \$10,000,000 per aggregate
- Police Professional Liability insurance from \$250,000 to \$5,000,000 per occurrence/aggregate
- Motor vehicle physical damage from \$250,000 to \$1,000,000 per occurrence
- Motor vehicle liability coverage from \$250,000 to \$1,500,000 per claim/occurrence
- General Liability Insurance coverage from \$250,000 to \$5,000,000 per claim/occurrence

Through on-going employee safety training and other loss control practices initiated by the individual departments and the Risk Management Staff, the efforts of the Citywide Safety Committee and the City's effective working relationship with CIRSA claims adjusting staff, Staff continues to improve on the success of the program as seen in the loss control credit the City received on the 2007 quote. Loss control activities include:

- Safety inspections of facilities
- Annual Defensive Driving, Risk Management 101, Risk Management for Supervisors and Safety 101 training classes.
- Citywide Safety Committee review and analysis of all Workers' Compensation Injury Report forms involving safety failures
- The annual snowplow rodeo and training sponsored by the Public Works and Utilities Department
- Safety SPIRIT Awards incentive program

The quote for the 2007 property and liability insurance premium is preliminary at this time. CIRSA members are being asked to approve the premiums and continuation of membership at this time so that CIRSA can calculate final premium quotes based on all members responses. It is anticipated that final premium quotes will be distributed in December. To avoid having to return to City Council in the event the final premiums come in higher than this preliminary quote, Staff's recommended action includes a 10% contingency factor of approximately \$50,000 with the total final premium not to exceed \$548,340.

Funds for the requested increase are available in the City's Property and Liability Fund. In the 2007 Budget, \$400,000 was budgeted for this contribution. The balance of the premium will be paid from Fund reserves, which are carried over from year to year.

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Item 10 L

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 9, 2006



SUBJECT: Councillor's Bill No. 62 re Pension Plan Amendments

Prepared By: Gordon Tewell, Pension Administrator

Recommended City Council Action

Pass Councillor's Bill No. 62 on first reading amending the City's General Employee and Police Pension Plan Ordinances.

Summary Statement

- Pension Administration and the Police and General Employee Pension Boards are recommending a series of changes to the City's Pension Ordinances. Several of the recommended changes are substantive while the remainder are of a housekeeping nature. State statutes mandate that 65% of the active participants in the Police Plans approve any changes before these changes can be implemented. The Police Plan members have approved the substantive changes by a vote of greater than 99% approval.
- The Internal Revenue Service (IRS) requires pension plan documents be amended to comply with changes to the Internal Revenue Code as the result of laws passed by Congress. Amendments to the City of Westminster Police and General Employee Plans are required in order for the Plans to conform to a number of laws passed by Congress known collectively as the GUST and EGTRRA Amendments. The changes must be amended into the plan documents and be filed with the IRS by January 31, 2009.
- The IRS requires that plans operate within the rules established by the plan document and that the plan document properly reflect the operational procedures of the plan. Several procedures outlined by the current pension plan documents cause administrative difficulties with the operation of the Plans and other compliance requirements cause hardship to the members of the plan.
- The Pension Ordinance currently references types of plans, plan features and investments not offered by the City of Westminster. In order to simplify and streamline the Pension Ordinance these sections and references will be removed.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Should the City Council approve the changes to amend the pension plan documents to comply with laws passed known collectively as the GUST and EGTRRA amendments and make administrative changes to the operation of the plans?

Alternatives

1. Do not approve the amendments, staff does not recommend this option because if the amendments are not passed and the required filing completed by the IRS deadline the City may be subject to an IRS fine for late filing. Also, if the amendments are not passed the plan may not operate within the rules and regulations for qualified retirement plans as defined by the Internal Revenue Code placing the tax qualified status of the plans at risk.
2. Request more time to review the amendments, Council could request that Mary Brauer, outside counsel for the pension plans submit a request for a filing extension to the IRS. Staff does not recommend this option as the changes are very straightforward and don't make major changes to the plans.

Background Information

The Pension Board Ordinance Review Sub-committee, a sub-committee made up of representatives from the Pension Boards and Pension Administration has been meeting to identify recommended changes to the ordinances. The proposed changes were discussed with the full Pension Boards who arrived at the final list of recommended changes. Highlights of the suggested changes follow:

- o While many retirees have a life expectancy of greater than 30 years upon retirement, the plan document currently restricts retirees to receiving installments over a period of 20 years or less. Amendments to the plan will allow retirees to extend installments over their remaining life expectancy.
- o The Internal Revenue Service requires that plans allow separated employees to remain in a plan if they desire with no requirement that the separated employee notify the employer; the current plan document requires employees to notify the City of their wish to remain in the plan and for approval of the request by the Pension Board. The Board is put in a situation where they cannot deny the request to defer payment. An amendment to the plan will remove the requirement that the Pension Board be required to approve the request to defer payments.
- o The plan documents require that employees wishing to change their beneficiary designation file notice with the Pension Board. This is administratively burdensome and can effectively be completed by contacting Pension Administration. The amendment will change the documents allowing for beneficiary designation change through Pension Administration.
- o The Pension Ordinance currently includes a section on the administration of a defined benefit plan. The City does not currently operate and does not have plans to operate defined benefit plan.
- o The Ordinance contains several references to annuities that have never been an investment instrument within the plans.
- o A section describing the method for non-discrimination testing is included in the Ordinance. Governmental plans are not required to complete non-discrimination testing.

These recommended changes are a combination of changes required by changes in the Internal Revenue Code and housekeeping items that will allow the plans to operate more efficiently. The attached amendments were prepared by the Pension Staff with the assistance of the sub-committee and reviewed by Attorney Mary Brauer of Reinhart Boerner Van Deuren. Based on her expertise in complying with the changes to the IRS code Staff believes that the proposed changes are necessary and acceptable.

The IRS Code is changed and updated following the passage of new laws by Congress. The IRS requires pension plans to update their plan documents in accordance with the legal changes and submit applications to the IRS for approval. Those plans that do not submit proper amendments by the IRS filing date can potentially lose their status as "tax-qualified" meaning that contributions to the plan would become taxable.

Because the consequences of not filing in accordance with IRS requirements could be substantial to the plan participants and the City, Staff requests Council approval on first reading of the attached amendments to the Police and General Employee Pension Plan Ordinances. Per the current Ordinance, City Council is authorized to amend the plan documents to conform to the provisions and requirements of the Federal Internal Revenue Code.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **62**

SERIES OF 2006

INTRODUCED BY COUNCILLORS

A BILL

**FOR AN ORDINANCE AMENDING TITLE XIV OF THE WESTMINSTER MUNICIPAL
CODE CONCERNING THE POLICE AND GENERAL EMPLOYEE PENSION PLANS**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 14-1-1, W.M.C., is hereby amended BY THE ADDITION OF A NEW SUBSECTION (C) to read as follows:

14-1-1: NAME AND PURPOSE OF PLAN; HISTORY:

(C) ON SEPTEMBER 1, 2004, THE CITY TRANSFERRED THE ASSETS OF THE FIREFIGHTER'S PENSION PLAN TO THE FIRE AND POLICE PENSION ASSOCIATION OF COLORADO DEFINED BENEFIT SYSTEM AND THE FIREFIGHTER'S PENSION PLAN WAS TERMINATED. PARTICIPANTS IN THE FIREFIGHTER'S PENSION PLAN BECAME PARTICIPANTS IN THE FPPA DEFINED BENEFIT SYSTEM. ASSETS IN THE RETIREMENT MEDICAL SAVINGS ACCOUNT (RMSA) IN THE FIREFIGHTER'S PENSION PLAN WERE TRANSFERRED TO THE GENERAL EMPLOYEE'S PENSION PLAN FOR USE AS DEFINED IN SECTION 14-1-7(C)(4) OF THIS PLAN.

Section 2. Section 14-1-2, W.M.C., is hereby AMENDED to read as follows:

14-1-2: DEFINITIONS: When used herein, the following words shall have the following meanings unless the context clearly indicates otherwise and further provided that the masculine gender shall include the feminine, and the singular shall include the plural:

(A) "BENEFICIARY": Any person or entity who, pursuant to Section 14-1-6(B) becomes entitled to receive all or any part of a Participant's interest upon the Participant's death.

(B) "BOARD": The Police Pension Plan Board established in this Chapter.

(C) "CITY": The City of Westminster, Colorado.

(D) "CODE": THE INTERNAL REVENUE CODE OF 1986, AS IT MAY BE AMENDED, OR RE-ENACTED OR REPLACED. REFERENCE TO A SPECIFIC SECTION OF THE CODE SHALL MEAN THE SECTION IN EFFECT AT THE DATE OF ADOPTION OF THIS PLAN, OR ANY SUCCESSOR SECTION TO SUCH SECTION.

~~(D)~~ (E) "COMPENSATION": The base pay of a Participant for services rendered to the City, ~~including longevity pay, but~~ excluding overtime pay, bonuses, insurance premiums, pension and retirement benefits, and all contributions by the City to this Plan, to any health, accident or welfare fund or plan, or any similar benefit. Compensation shall be computed prior to any salary reduction for mandatory contributions picked up by the City or amounts deferred under a deferred compensation plan or a salary reduction plan or pre-tax medical plan. Compensation for part-time employees is the pay earned for the amount of full time equivalents (FTE'S) budgeted for their positions.

~~(E)~~ (F) "CONTRIBUTING PARTICIPANT": Any employee who is making contributions to this Plan whether or not the City is contributing.

~~(F) "DIRECT ROLLOVER": A direct rollover is a payment by the plan to the eligible retirement plan specified by the distributee.~~

~~(G) "DISTRIBUTE": A distributee includes an employee or former employee. In addition, the employee's or former employee's surviving spouse and the employee's or former employee's spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in Section 414(p) of the Federal Internal Revenue Service Code, are distributees with regard to the interest of the spouse or former spouse.~~

~~(H) "ELIGIBLE RETIREMENT PLAN": An eligible retirement plan is an individual retirement account described in Section 408(a) of the Federal Internal Revenue Service (IRS) Code, an individual retirement annuity described in Section 408(b) of the IRS code, an annuity plan described in Section 403(a) of the IRS code, or a qualified trust described in Section 401(a) of the IRS code, that accepts the distributee's eligible rollover distribution. However, in the case of an eligible rollover distribution to the surviving spouse, an eligible retirement plan is an individual retirement account or individual retirement annuity.~~

~~(I) "ELIGIBLE ROLLOVER DISTRIBUTION": An eligible rollover distribution is any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include: any distribution that is one of a series of substantially equal period payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated beneficiary, or for a specified period of ten years or more; any distribution to the extent such distribution is required under Section 401(a)(9) of the Federal Internal Revenue Service Code; and the portion of any distribution that is not includible in gross income (determined without regard to the exclusion for net unrealized appreciation with respect to employer securities).~~

~~(J) (G) "EMPLOYEE": Any person who fills an authorized position of Police Officer as defined in this Chapter that is scheduled to work at least twenty (20) hours during a seven day cycle, excluding temporary employees, elected officials, independent contractors, volunteers and part-time employees scheduled to work less than twenty (20) hours in a seven day cycle.~~

~~(K) (H) "FULL PARTICIPANT": Any employee who is qualified to receive employer contributions under this Plan.~~

~~(L) (I) "INACTIVE PARTICIPANT": Any person who has been a Contributing Participant to this Plan or a preceding pension plan of the City who is no longer an employee but who has not received full distribution of all respective interest in the Plan.~~

~~(M) (J) "INTEREST": The amount of a Participant's share in the Trust Fund including City contributions, employee contributions and earnings.~~

~~(N) (K) "PARTICIPANT": Any Contributing Participant or Inactive Participant.~~

~~(O) (L) "PLAN": The Pension Plan established in this Chapter and all subsequent amendments thereto.~~

~~(P) "PLAN ADMINISTRATOR": THE PERSON APPOINTED BY THE CITY MANAGER TO ADMINISTER THE PLAN.~~

~~(Q) (N) "PLAN YEAR": The City's fiscal year which is the calendar year, which shall be the fiscal year of the trust fund established pursuant to this Plan.~~

~~(R) (O) "POLICE OFFICER": Any person who is employed by the City as a recognized law enforcement POLICE officer AS DEFINED BY TITLE III OF THIS CODE AND WHO EITHER IS THE CHIEF OF POLICE OR REPORTS TO THE CHIEF OF POLICE and who has sworn to enforce the ordinances of the City; the laws of the State of Colorado and the United States of America. The term Police Officer shall not include dispatchers, clerical employees, animal control personnel, civilian administrative~~

~~personnel, reserve officers, code enforcement personnel and any other employees who do not regularly enforce the traffic and criminal codes and ordinances of the City and State.~~

~~(R)~~ (P) "TERMINATION OF EMPLOYMENT": The cessation of a person's status as an "Employee" as defined in this section. If the person, upon termination of employment, becomes eligible to participate in ~~either the Fire or~~ General Employees' pension plan, without a break in municipal service, the person's interest shall be transferred to that plan and the person shall retain his participant status. Termination due to dismissal shall become effective on the date after the employee's grievance rights have lapsed or, if a grievance is filed, on the date of the final decision by the City.

~~(S)~~ (Q) "TOTAL DISABILITY": A disability which permanently renders a Contributing Participant unable to perform satisfactorily the usual duties of his employment with the City, as determined by the Board, and which results in his termination of employment with the City.

~~(T)~~ (R) "TRUST FUND": The assets of the trust established pursuant to this Plan out of which the benefits under this Plan shall be paid including all income of whatever nature earned by the fund and all increases in fair market value.

~~(U)~~ (S) "TRUSTEE": The Trustee of the trust fund established pursuant to this Plan who shall always be the current acting Finance Director of the City of Westminster and any duly qualified corporate co-trustee appointed pursuant to Section 14-1-10 and any duly appointed and qualified successor trustees.

Section 3. Section 14-1-3, subsection (A)(1), is hereby AMENDED to read as follows:

14-1-3: PARTICIPATION OF EMPLOYEES:

(A) Participants.

(1) Contributing Participant: Each employee hired on or after January 6, 1986 shall become a Contributing Participant in the Plan on the date the employee becomes a regular or qualified part-time employee and has attained the age of eighteen (18). ~~Each person who was an employee on January 6, 1986, had the option to elect to become a Contributing Participant on January 6, 1986. Any employee who is not a Contributing Participant on the date he becomes eligible to be a Full Participant will begin making mandatory contributions on the same date as employer contributions begin.~~ By accepting employment with the City, each employee shall be deemed to have consented to the terms and provisions of this Plan.

Section 4. Section 14-1-4, subsections (A)(2), (C)(1)(c), (C)(3), (D)(1) and (F), W.M.C., are hereby AMENDED to read as follows:

14-1-4: CONTRIBUTIONS BY THE CITY, THE STATE OF COLORADO AND PARTICIPANTS:

(A) Contributions by the City.

(2) Time and Method of Payment of Contribution by the City: The contributions of the City shall be made every pay period and shall be credited to the Plan ~~on each payday~~ PAY PERIOD.

(C) Contributions by Contributing Participants.

(1) Mandatory Employee Contributions:

(c) Each Participant, as a condition to his employment, shall be deemed to have authorized the City to reduce the Participant's compensation by such amount from each of his paychecks and to transmit such amount directly to the ~~Trustee~~ PLAN CUSTODIAN, according to the provisions of this Chapter.

(3) Payment of Participant Contributions: The contributions of the employee shall be withheld every pay period and shall be credited to the Plan on each payday PAY PERIOD.

(D) Retirement Medical Savings Accounts:

(1) Subject to approval by the Internal Revenue Service, each participant shall have the option of designating up to 25% of his OR HER COMBINED mandatory and City contributions to be used for future medical expenses as provided for in Section 401(h) of the Federal Internal Revenue Service Code. Contributions to the medical savings accounts will not be taxed at ~~retirement~~ SEPARATION FROM SERVICE nor upon use for medical expenses ~~during retirement~~ AFTER SEPARATION FROM SERVICE. The retirement medical savings accounts will be subject to the rules and requirements as issued by the City Manager.

(F) CONTRIBUTIONS FOR PERIODS OF QUALIFIED MILITARY SERVICE. THE EMPLOYER SHALL MAKE ALL CONTRIBUTIONS TO THE PLAN REQUIRED BY SECTION 414(U) OF THE CODE WHICH ARE ATTRIBUTABLE TO PERIODS OF QUALIFIED MILITARY SERVICE. IN ADDITION, THE EMPLOYER SHALL ALLOW ANY PARTICIPANT TO MAKE ELECTIVE CONTRIBUTIONS FOR PERIODS OF QUALIFIED MILITARY SERVICE AND THE EMPLOYER SHALL MAKE ANY MATCHING CONTRIBUTIONS BASED UPON SUCH CONTRIBUTIONS AT THE RATE AT WHICH SUCH ELECTIVE CONTRIBUTIONS OF THE EMPLOYEE WOULD HAVE BEEN MADE DURING THE APPLICABLE PERIOD OF QUALIFIED MILITARY SERVICE, EACH AS REQUIRED BY SECTION 414(U) OF THE CODE. THE EMPLOYER MAY ELECT TO MAKE ADDITIONAL CONTRIBUTIONS BASED UPON SUCH QUALIFIED MILITARY SERVICE BASED UPON EMPLOYER CONTRIBUTIONS MADE DURING THE APPLICABLE PERIOD, PROVIDED SUCH ELECTION BY THE EMPLOYER IS MADE ON A NON-DISCRIMINATORY BASIS APPLICABLE TO ALL SIMILARLY SITUATED EMPLOYEES WHO HAVE QUALIFIED MILITARY SERVICE. ANY CONTRIBUTIONS MADE UNDER THIS SUBSECTION SHALL BE SUBJECT TO THE PROVISIONS OF SECTION 414(U) OF THE CODE AND THE PROVISIONS OF THIS PLAN SHALL BE APPLIED CONSIDERING ANY SUCH CONTRIBUTIONS AS HAVING BEEN MADE DURING THE PLAN YEAR TO WHICH THE CONTRIBUTIONS RELATE. FOR THE PURPOSES OF THIS SECTION, "QUALIFIED MILITARY SERVICE" MEANS SERVICE IN THE UNIFORMED SERVICES OF THE UNITED STATES (AS DEFINED IN CHAPTER 43 OF TITLE 38, UNITED STATES CODE) BY ANY INDIVIDUAL IF SUCH INDIVIDUAL IS ENTITLED TO RE-EMPLOYMENT RIGHTS WITH RESPECT TO SUCH SERVICE.

Section 5. Section 14-1-5, W.M.C., is hereby AMENDED to read as follows:

14-1-5: DETERMINATION AND VESTING OF PARTICIPANTS' INTERESTS:

(A) Allocation of Employer Contributions: The contributions made by the employer to the credit of the account of each Full Participant shall be allocated to the account of each such Participant as of the end of each pay period. Any allocation shall be subject to the limitations set forth in subsection (B) of this section.

(B) Limitations on Allocations:

(1) General Rule: In no event may a Participant receive an allocation for any year which, when combined with his allocation under any other defined contribution plan established by the City, exceeds the lesser of ~~twenty-five~~ ONE HUNDRED percent (~~25%~~ 100%) of his OR HER compensation for such year or ~~\$30,000~~ 40,000 provided such figure shall ~~change to conform with any adjustment for changes in the cost of living after the enactment of the Tax Equity and Fiscal Responsibility Act of 1982, as provided by law or regulation.~~ BE ADJUSTED AS PROVIDED IN CODE SECTION 415(D). FOR LIMITATION YEARS BEGINNING BEFORE JANUARY 1, 2002, THE FOREGOING PERCENTAGE LIMITATION IS 25% AND THE FOREGOING DOLLAR LIMITATION IS \$30,000, AS ADJUSTED PURSUANT TO CODE SECTION 415(D). For the purpose of applying the foregoing limitation, the limitation year shall be the plan year. If a short limitation year is created as a result of a change in the limitation year, the dollar limitation for such short limitation year shall be the dollar

limitation set forth in this subsection multiplied by a fraction, the numerator of which is the number of months in such short year and the denominator of which is twelve (12).

(2) Allocations: For the purpose of applying the limitations of this Section, the allocation to the Participant shall include the following amounts allocated to the account of a Participant for a limitation year: Employer contributions, forfeitures, and nondeductible contributions made by the Participant, provided that for years beginning before 1987, only nondeductible contributions in excess of six percent (6%) of his compensation for the year, or one-half (1/2) of the nondeductible contributions made by the Participant, whichever shall be less, shall be counted as an allocation. Except that, for the Plan years beginning on or after January 1, 1994, allocations may not be based on compensation in excess of the annual limitation of \$150,000, subject to adjustment as provided for by law or regulation, for the account of any individual participant. For the purpose of applying the limitations of this Section, compensation from and allocations received under any retirement plan maintained by any other employer which is a common member with the employer of either a controlled group of businesses or an affiliated service group, as prescribed by law or regulation, shall be counted.

(3) Excluded Amounts: Any amount not mentioned in paragraph (2) of this subsection shall not be considered an allocation. The amounts not considered as allocations include deductible Participant contributions, roll over contributions and transfers from other qualified plans allocated to the account of a Participant.

(4) Treatment of Excess: In the event an allocation would otherwise exceed the limitations of this section, any non-deductible voluntary contribution by the Participant which is counted as part of such allocation shall be returned to such Participant to the extent necessary to reduce such allocation on a level in compliance with the limitations of this section.

If after such return of contributions there still remains an excess, the excess over such limitations shall be held in a suspense account until such amount can be applied to reduce the next contribution by the employer. If the employer maintains more than one qualified defined contribution plan, the excess shall be considered to have first occurred in the Plan to which the contribution of the employer is discretionary, and if there is no such plan, the excess shall be treated as having occurred in all defined contribution plans on a pro rata basis based upon the employer contribution to each of the Plans. If this plan is terminated when there is an amount held in such a suspense account, the amount held in such account, which cannot be allocated to Participants without exceeding the foregoing limit, shall be returned to the employer.

~~(5) Defined Benefit Plans: In any year if a Participant in this Plan is or ever has been a Participant in a defined benefit plan maintained by the employer, then the sum of the Defined Benefit Plan fraction and the Defined Contribution Plan fraction (both as prescribed by law) for such Participant for such year shall not exceed 1.0. In any year if the sum of the Defined Benefit Plan fraction on behalf of a Participant would exceed 1.0, then the allocation under this plan shall be reduced to the extent necessary so that the sum of such fractions does not exceed 1.0. For purposes of this Section, the limitation year shall be the plan year. The Defined Benefit Plan fraction for any Participant shall be the fraction, the numerator of which is the projected annual benefit of the Participant under the plan (determined as of the close of the year), and the denominator of which is the lesser of (i) the product of 1.25 multiplied by the maximum dollar limitation for benefits set forth in subsection 415(b)(1)(A) of the Federal Internal Revenue Code for such year, or (ii) the product of 1.4 multiplied by the percentage limitation set forth under Subsection 415(b)(1)(B) of the Federal Internal Revenue Code with respect to such Participant for such year. The Defined Contribution Plan fraction shall be the fraction, the numerator of which is the sum of the annual additions to the Participant's account as of the close of the year for such year and all prior years, and the denominator of which is the sum of the lesser of the following amounts determined for such year and for each prior year of service with the employer: (i) The product of 1.25 multiplied by the dollar limitation in effect under Subsection 415(c)(1)(A) of the Federal Internal Revenue Code for such year, or (ii) the product of 1.4 multiplied by the amount which may be taken into account under Subsection 415(c)(1)(B) of the Federal Internal Revenue Code with respect to such individual under such plan for such year with respect to dollar limitations.~~

~~(6)~~ (5) Compensation: For the purposes of applying the limitations of this subsection (B), compensation means the total amount paid by the employer to a Participant for services rendered to the employer which are included in the taxable income of the Participant, provided that for limitation years beginning after December 31, 1997, compensation for the purposes of this Section shall not be reduced by voluntary salary deferrals or reductions for a participant under a plan established under Federal Internal Revenue Service Code Sections 125, ~~457, 401(k), or 403(b)~~-132(F)(4), 402(G)(3), 457, 401(K), OR 403(B). THE ANNUAL COMPENSATION OF EACH PARTICIPANT TAKEN INTO ACCOUNT IN DETERMINING ALLOCATIONS FOR ANY PLAN YEAR BEGINNING AFTER DECEMBER 31, 2001, SHALL NOT EXCEED TWO HUNDRED THOUSAND DOLLARS (\$200,000), AS ADJUSTED FOR COST-OF-LIVING INCREASES IN ACCORDANCE WITH §401(A)(17)(B) OF THE CODE. FOR YEARS BEGINNING PRIOR TO JANUARY 1, 2002, THE DOLLAR AMOUNT IN THE FOREGOING SENTENCE IS ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000). ANNUAL COMPENSATION MEANS COMPENSATION DURING THE PLAN YEAR OR SUCH OTHER CONSECUTIVE 12-MONTH PERIOD OVER WHICH COMPENSATION IS OTHERWISE DETERMINED UNDER THE PLAN (THE DETERMINATION PERIOD). THE COST-OF-LIVING ADJUSTMENT IN EFFECT FOR A CALENDAR YEAR APPLIES TO ANNUAL COMPENSATION FOR THE DETERMINATION PERIOD THAT BEGINS WITH OR WITHIN SUCH CALENDAR YEAR.

~~(C) Contribution percentage test for matching and employee contributions:~~

~~— (1) General Rule: The average contribution percentage in any year of all participants who are highly compensated employees may not exceed the greater of the following amounts:~~

~~— (a) 125% of the average contribution percentage for such year of all participants who are not highly compensated employees; or~~

~~— (b) The average contribution percentage for such year of all participants who are not highly compensated employees, plus two percentage points (2%), limited to two times the average contribution percentage for all such participants.~~

~~— For purposes of the foregoing, the average contribution percentage is the average of the sum of the City contributions under Section 14-1-4(A) allocated to the account of the applicable participant plus such participant's voluntary non-deductible contributions, divided by the total compensation of such participant for each such participant. If the amount to be contributed by the City and allocated to the accounts of participants who are highly compensated employees exceeds the foregoing limitations, then the amount so allocated shall be reduced, beginning with the highest dollar amount of contribution among such participants, to the extent necessary to satisfy such limitation and such excess amount, together with earnings thereof, and shall be distributed to such participants no later than 2 1/2 months after the end of the plan year in which such contributions were made.~~

~~— (2) Adjustment of Contribution Percentage: The employer may in its discretion make contributions to the Plan, which shall be designated as additional matching contributions and which shall be allocated to the accounts of participants who are not highly compensated employees, in order to increase the average contribution percentage of such participants. In applying the limitation above, the administrator shall take into account such designated employer contributions.~~

~~— (3) Excess Aggregate Contributions: Employer contributions and employee contributions in excess of the limitations of this Section are excess aggregate contributions.~~

~~— (4) Disposition of excess aggregate contributions:~~

~~— (a) General Rule: Notwithstanding any other provision of this Plan, excess aggregate contributions, plus any income and minus any loss allocable thereto, shall be forfeited, if forfeitable, or if not forfeitable, distributed no later than the last day of each Plan year to participants to whose accounts such excess aggregate contributions were allocated for the preceding Plan year. If such excess aggregate~~

contributions are distributed more than 2 1/2 months after the last day of the Plan year in which such excess amounts arose, a 10% excise tax will be imposed on the employer maintaining the Plan with respect to those amounts. Excess aggregate contributions shall be treated as annual additions under the Plan.

~~———— (b) Determination of Income or Loss: Excess aggregate contributions shall be adjusted for any income or loss up to the date of distribution. The income or loss allocable to excess aggregate contributions is the sum of: (i) income or loss allocable to the participant's employee contribution account, matching contribution account (if any, and if all amounts therein are not used in the deferral percentage test under Internal Revenue Service Code Section 401(k)) and, if applicable, qualified non-elective contribution account and elective deferral account for the plan year multiplied by a fraction, the numerator of which is such participant's excess aggregate contributions for the year and the denominator of which is the participant's account balance(s) attributable to contribution percentage amount without regard to any income or loss occurring during such plan year; and (ii) 10% of the amount determined under (i) multiplied by the number of whole calendar months between the end of the Plan year and date of distribution, counting the month of distribution if distribution occurs after the 15th of such month.~~

~~———— (c) Forfeitures of Excess Aggregate Contributions: Forfeitures of excess aggregate contributions shall be applied to reduce employer contributions.~~

~~———— (d) Accounting for Excess Aggregate Contributions: Excess aggregate contributions shall be forfeited, if forfeitable or distributed on a pro rata basis from the participant's employee contribution account, employer contribution account, and qualified matching contribution account, if any, (and, if applicable, the participant's qualified non-elective contribution account or elective deferral account, or both).~~

~~———— (e) Aggregate Limit: For purposes of this Section, the term "aggregate limit" shall mean the sum of (i) 125% of the greater of the deferral percentage of the non-highly compensated employees for the plan year or the contribution percentage of the non-highly compensated employees under the plan subject to Internal Revenue Service Code Section 401(m) for the plan year beginning with or within the plan year of the cash or deferred arrangement under Section 401(k) and (ii) The lesser of 200% of 2 plus the lesser of such deferral percentage or contribution percentage. The word "lesser" shall be substituted for "greater" in (i), above, and "greater" shall be substituted for "lesser" after "2 plus the" in (ii) if by substituting such terms would result in a larger aggregate limit.~~

~~———— (5) Special Rule:~~

~~———— (a) In the event that this plan satisfied the requirements of Sections 401(m), 401(a)(4), or 410(b) of the Internal Revenue Service Code only if aggregated with one or more other plans, or if one or more other plans satisfy the requirements of such Sections of the Internal Revenue Service Code only if aggregated with this plan, then this Section shall be applied by determining the deferral percentage test under Internal Revenue Service Code Section 401(m) of employees as if all such plans were a single plan. For plan years beginning after December 31, 1989, plans may be aggregated in order to satisfy Section 401(m) of the Internal Revenue Service Code only if they have the same plan year.~~

~~———— (6) Highly Compensated Employee: For purposes of this Section, an employee is treated as a "highly compensated employee" (HCE) if:~~

~~———— (a) During the preceding year, the employee received compensation in excess of \$80,000, to be indexed for cost of living increases; and the employee was also in the top paid twenty percent (20%) of employees during that year; or~~

~~———— (b) The employee was a five percent (5%) owner at any time during the year or the preceding year.~~

~~———— (c) Rules of Construction. The determination of who is a highly compensated employee, including the determinations of the number and identity of employees in the top paid group, will be made~~

~~in accordance with Section 414(q) of the Federal Internal Revenue Service Code and the regulations thereunder.~~

~~(D)~~ (C) Allocation of earnings, losses, charges and changes in fair market value of the net assets of the trust fund: Earnings and losses of the Trust Fund, ~~third party and administrative charges~~ and changes in the fair market value of the net assets of the Trust Fund shall be allocated under the direction of the Trustee at least quarterly to the Participants as of each regular evaluation date, in the ratio that the total dollar value of the interest of each such Participant in the Trust Fund bears to the aggregate dollar value of all of such interests of all such Participants. THIRD PARTY AND ADMINISTRATIVE CHARGES SHALL BE ALLOCATED IN THE RATIO THAT THE TOTAL DOLLAR VALUE OF THE INTEREST OF EACH SUCH PARTICIPANT IN THE TRUST FUND BEARS TO THE AGGREGATE DOLLAR VALUE OF ALL OF SUCH INTERESTS OF ALL SUCH PARTICIPANTS OR EQUALLY TO ALL PARTICIPANTS.

~~(E)~~ (D) Participant's Accounts: The Board shall maintain, or cause the City or Trustee to maintain, an account for each Participant showing the dollar value of his current interest in the Trust Fund resulting from any contributions made by the City, which account shall be known as the City contributions account. Separate accounts to be known as Participants' contributions accounts shall also be kept, showing the contributions of each Participant and the earnings, losses and changes in fair market value thereof.

~~(F)~~ (E) Evaluation Dates: The regular evaluation dates of the Trust Fund shall be at least the last bank business day of each calendar quarter at which time the Board shall determine, or cause the Trustee to determine, the value of the net assets of the Trust Fund, i.e., the value of all of the assets of the Trust Fund at fair market value thereof, less all liabilities, both as known to the Trustee, including the value of the contribution of the City and the Participants for that quarter. If an event described in Section 14-1-7(A) occurs between regular evaluation dates requiring a distribution of any part of a Participant's interest in the Trust Fund, the dollar value of such Participant's interest shall be adjusted to reflect the contributions made after the last evaluation date without any earnings, losses or other changes. The dollar value of his interest as so adjusted shall be the amount which shall be distributed to such Participant or his Beneficiary.

~~(G)~~ (F) Vesting of Participants' Interests:

(1) A Participant's interest in the contributions made by him and the earnings, losses and changes in fair market value thereof, shall be fully vested at all times. The interest of a Participant in the contributions made by the City, and the earnings, losses and changes in fair market value thereof, shall be fully vested at all times.

(2) Any interest in the Trust Fund shall be and become payable to a Participant or his Beneficiaries only as and to the extent provided in this chapter; and a Participant who dies having designated a Beneficiary shall cease to have any interest hereunder or in his separate trust account, and his Beneficiary shall become entitled to distribution thereof as herein provided by virtue of the terms of this chapter and not as a result of any transfer of said interest or account.

~~(H)~~ (G) Vesting Upon Termination of Plan or Discontinuance of Contributions: Notwithstanding the provisions of subsection ~~(G)~~ (F) of this section, upon the termination of the Plan or upon the complete discontinuance of contributions under the Plan to the Trust Fund, the interests of all Participants shall become fully and completely vested and nonforfeitable for all purposes.

(H) INVESTMENT OF PARTICIPANT'S ACCOUNT: A PARTICIPANT'S ACCOUNT SHALL BE INVESTED IN THE INVESTMENT OPTIONS IN ACCORDANCE WITH THE INVESTMENT ELECTIONS SPECIFIED BY THE PARTICIPANT. A PARTICIPANT MAY CHANGE THE INVESTMENT OF CONTRIBUTIONS AND MAY REALLOCATE AMOUNTS IN THEIR ACCOUNT AMONG THE INVESTMENT OPTIONS IN A MANNER DETERMINED BY THE PLAN CUSTODIAN AND SUBJECT TO SUCH PROVISIONS AS THE PLAN ADMINISTRATOR MAY ADOPT. ALLOCATION OF ASSETS AMONG INVESTMENT OPTIONS IS SOLELY THE

RESPONSIBILITY OF EACH PARTICIPANT. THE FACT THAT AN INVESTMENT OPTION IS AVAILABLE FOR INVESTMENT TO PARTICIPANTS UNDER THE PLAN SHALL NOT BE CONSTRUED AS A RECOMMENDATION FOR INVESTMENT IN THAT INVESTMENT OPTION.

Section 6. Section 14-1-6, subsections (A)(2) and (B)(3), W.M.C., are hereby AMENDED to read as follows:

14-1-6: RETIREMENT DATE; DESIGNATION OF BENEFICIARY

(A) Retirement Date:

(2) Early Retirement: Any Contributing Participant who ~~has attained~~ WILL ATTAIN the age of fifty-five (55) DURING THE YEAR may elect to retire earlier than the normal retirement age.

(B) Beneficiaries:

(3) Insurance Policies: The Beneficiary of any insurance ~~or annuity contract~~ on a Participant's life shall be determined and designated as provided in Section 14-1-8(A).

Section 7. Section 14-1-7, subsections (C), (D), (F)(1), (G), (H) and (J), W.M.C., are hereby AMENDED to read as follows:

14-1-7: DISTRIBUTION FROM TRUST FUND:

(C) Distribution of Interests:

~~— (1) Distribution Upon Retirement or Total Disability: If a Participant retires after attaining normal or early retirement age or becomes totally disabled, his share of this plan shall be distributed commencing no later than sixty (60) days after either the end of the plan year in which he retires, or the required distribution commencement date set forth in subsection (E) of this section, unless he elects to defer benefits pursuant to paragraph (5) of this subsection.~~

~~— (2) Distribution Upon Death: If a Participant dies, his interest shall be distributed, commencing no later than sixty (60) days after either the end of the plan year in which the Participant's death occurs or the date the Trustee determines the identity of the Beneficiary, whichever is later, unless the Beneficiary elects to defer benefits pursuant to paragraph (5) of this subsection.~~

~~— (3) Distribution Upon Other Termination of Employment: If a Contributing Participant terminates his employment for any reason other than retirement after attaining normal or early retirement age, total disability, or death, his share of this plan shall be distributed commencing no later than one hundred twenty (120) days from the end of the calendar quarter in which the employee terminated employment, unless he elects to defer benefits pursuant to paragraph (5) of this subsection.~~

~~(4) (1) Insurance and Annuity Contracts: If there has been an investment in a life insurance or annuity contract for the benefit of any Participant whose interest becomes distributable for any reason other than death, such Participant may, subject to any limitation set forth elsewhere in this Plan, obtain an absolute assignment of any such life insurance or annuity contract by informing the Board of his election. If said election is not exercised within thirty (30) days after the termination of employment, and the conversion election provided for is not made, the Board shall cause said contract to be surrendered no later than the end of the policy year and shall add the proceeds of such surrender to the interest of said Participant. Any annuity purchased or acquired by the trustee and distributed to a participant under the provisions of the Subsection (C) shall, with respect to such participant, be nontransferable and the annuity contract will so provide. After December 31, 1996, no new life insurance contracts may be adopted as pension investments.~~

~~(5) (2) Election to Defer Benefits: A Participant may elect, with the consent of the Board, to have DEFER the commencement of distribution of his OR HER benefit deferred until a date later than the date~~

~~specified in paragraph (1), (2) or (3) of this subsection, but in no event shall the commencement of distribution be later than the required distribution commencement date specified in subsection (E) of this section. If a Participant makes an election described in this section, such election shall be made by submitting to the Board, before the date distribution would otherwise commence, a written request, signed by the Participant, which describes the benefit and the date on which the payment of such benefit shall commence if the deferral is approved by the Board. Any change to the terms of the deferral must be resubmitted in writing to the Board for approval unless the change in terms is a request for the rollover of funds to an individual retirement account or a qualified plan. No election to defer or change the method of payment may be made more than once every six months once payments have commenced.~~

~~(6) (3) Distribution of Contributions: Any other provision of this subsection (C) to the contrary notwithstanding, a Participant, in the event of the termination of his employment for any reason, shall be entitled to receive payment in one lump sum of his interest in the Trust Fund provided he makes written demand therefore upon the Board. A participant's interest that is less than or equal to the minimum dollar amount as prescribed by the Internal Revenue Service may be distributed without receiving written application from the participant.~~

(4) BENEFITS PAYABLE FROM THE 401(h) ACCOUNT:

(a) BENEFITS ARE PAYABLE FROM THE RETIREMENT MEDICAL SAVINGS ACCOUNT ONLY UPON RETIREMENT, SEPARATION OF SERVICE, DEATH OR TOTAL DISABILITY.

(b) BENEFITS PAYABLE FROM A 401(h) ACCOUNT SHALL INCLUDE ONLY PAYMENTS OR REIMBURSEMENTS FOR MEDICAL CARE (AS DEFINED IN CODE SECTION 213(d)(1)).

(c) MEDICAL CARE PAYMENTS SHALL ONLY BE PAID PURSUANT TO A REIMBURSEMENT APPLICATION.

(d) NO REFUNDS OF CONTRIBUTIONS SHALL BE MADE. ALL CONTRIBUTIONS REMAIN IN THE 401(h) ACCOUNT UNTIL USED FOR MEDICAL CARE PAYMENTS.

(e) REIMBURSEMENTS MAY NOT BE MADE FOR ANY EXPENSE FOR WHICH THE RETIRED PARTICIPANT OR HIS OR HER SPOUSE OR DEPENDENTS RECEIVE, OR ARE ELIGIBLE TO RECEIVE, PAYMENT OR REIMBURSEMENT FROM ANOTHER SOURCE.

(f) IN ORDER TO RECEIVE BENEFITS FROM THE 401(h) ACCOUNT, THE RETIRED PARTICIPANT MUST AGREE TO PROVIDE APPROPRIATE DOCUMENTATION OF THE EXPENDITURE.

(D) Transfers between Qualified Plans:

(1) In General: The Trustee and the ~~Board~~ PLAN CUSTODIAN, upon their mutual agreement, are authorized to receive and add to the interest of any participant ~~his~~ THE PARTICIPANT'S vested interest in the assets held under any other qualified employee retirement plan or individual retirement account if such transfer ~~satisfied~~ SATISFIES the requirements under law for transfers between qualified plans or rollover contributions. In such event, the assets so received shall be fully vested and shall be held in a separate account and shall be administered and distributed pursuant to the provisions of this plan and trust, CONCERNING EMPLOYER CONTRIBUTIONS. The trustee is also authorized, at the direction of the ~~Board~~ PLAN CUSTODIAN and at the request of the participant, to transfer such participant's vested interest which has become distributable under Subsection (A) hereof, directly to another qualified plan or an individual retirement account for the benefit of such participant, provided such transfer satisfied the requirements under law for such transfers.

(2) For Distributions Made on or After January 1, 1993: Notwithstanding any provision of the plan to the contrary that would otherwise limit a distributee's election under this Section, a distributee may elect, at the time and in the manner prescribed by the plan administrator, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

(3) FOR DISTRIBUTIONS MADE AFTER DECEMBER 31, 2001. AN ELIGIBLE RETIREMENT PLAN SHALL ALSO MEAN AN ANNUITY CONTRACT DESCRIBED IN §403(B)

OF THE CODE AND AN ELIGIBLE PLAN UNDER §457(B) OF THE CODE WHICH IS MAINTAINED BY A STATE, POLITICAL SUBDIVISION OF A STATE, OR ANY AGENCY OR INSTRUMENTALITY OF A STATE OR POLITICAL SUBDIVISION OF A STATE AND WHICH AGREES TO SEPARATELY ACCOUNT FOR AMOUNTS TRANSFERRED INTO SUCH PLAN FROM THIS PLAN. THE DEFINITION OF ELIGIBLE RETIREMENT PLAN SHALL ALSO APPLY IN THE CASE OF A DISTRIBUTION TO A SURVIVING SPOUSE, OR TO A SPOUSE OR FORMER SPOUSE WHO IS THE ALTERNATE PAYEE UNDER A QUALIFIED DOMESTIC RELATION ORDER, AS DEFINED IN §414(P) OF THE CODE. THE PLAN SHALL BE PERMITTED TO ACCEPT ROLLOVERS FROM ANY TYPE OF ELIGIBLE RETIREMENT PLAN EXCEPT TO THE EXTENT LIMITED IN SECTION 14-2-7.

(4) DEFINITIONS.

(1) ELIGIBLE ROLLOVER DISTRIBUTION. AN ELIGIBLE ROLLOVER DISTRIBUTION IS ANY DISTRIBUTION OF ALL OR ANY PORTION OF THE BALANCE TO THE CREDIT OF THE DISTRIBUTE, EXCEPT THAT AN ELIGIBLE ROLLOVER DISTRIBUTION DOES NOT INCLUDE: (I) ANY DISTRIBUTION THAT IS ONE OF A SERIES OF SUBSTANTIALLY EQUAL PERIOD PAYMENTS (NOT LESS FREQUENTLY THAN ANNUALLY) MADE FOR THE LIFE (OR LIFE EXPECTANCY) OF THE DISTRIBUTE OR THE JOINT LIVES (OR JOINT LIFE EXPECTANCIES) OF THE DISTRIBUTE AND THE DISTRIBUTE'S DESIGNATED BENEFICIARY, OR FOR A SPECIFIED PERIOD OF TEN YEARS OR MORE; (II) ANY DISTRIBUTION TO THE EXTENT SUCH DISTRIBUTION IS REQUIRED UNDER §401(A)(9) OF THE CODE; (III) ANY HARDSHIP DISTRIBUTION AS DESCRIBED IN §401(K)(2)(B)(I)(IV) OF THE CODE (APPLICABLE ONLY TO DISTRIBUTIONS AFTER DECEMBER 31, 1999); AND (IV) THE PORTION OF ANY DISTRIBUTION THAT IS NOT INCLUDABLE IN GROSS INCOME (DETERMINED WITHOUT REGARD TO THE EXCLUSION FOR NET UNREALIZED APPRECIATION WITH RESPECT TO EMPLOYER SECURITIES). ANY AMOUNT THAT IS DISTRIBUTED ON ACCOUNT OF HARDSHIP SHALL NOT BE AN ELIGIBLE ROLLOVER DISTRIBUTION AND THE DISTRIBUTE MAY NOT ELECT TO HAVE ANY PORTION OF SUCH A DISTRIBUTION PAID DIRECTLY TO AN ELIGIBLE RETIREMENT PLAN. A PORTION OF A DISTRIBUTION SHALL NOT FAIL TO BE AN ELIGIBLE ROLLOVER DISTRIBUTION MERELY BECAUSE THE PORTION CONSISTS OF AFTER-TAX EMPLOYEE CONTRIBUTIONS WHICH ARE NOT INCLUDIBLE IN GROSS INCOME. HOWEVER, SUCH PORTION MAY BE TRANSFERRED ONLY TO AN INDIVIDUAL RETIREMENT ACCOUNT OR ANNUITY DESCRIBED IN §408(A) OR (B) OF THE CODE, OR TO A QUALIFIED DEFINED CONTRIBUTION PLAN DESCRIBED IN §401(A) OR 403(A) OF THE CODE THAT AGREES TO SEPARATELY ACCOUNT FOR AMOUNTS SO TRANSFERRED, INCLUDING SEPARATELY ACCOUNTING FOR THE PORTION OF SUCH DISTRIBUTION WHICH IS INCLUDIBLE IN GROSS INCOME AND THE PORTION OF SUCH DISTRIBUTION WHICH IS NOT SO INCLUDIBLE. THE PLAN SHALL NOT ACCEPT A ROLLOVER OF AFTER-TAX EMPLOYEE CONTRIBUTIONS UNLESS SPECIFICALLY ELECTED IN THE ADOPTION AGREEMENT OR A SUPPLEMENT THERETO.

(2) ELIGIBLE RETIREMENT PLAN. AN ELIGIBLE RETIREMENT PLAN IS AN INDIVIDUAL RETIREMENT ACCOUNT DESCRIBED IN §408(A) OF THE CODE, AN INDIVIDUAL RETIREMENT ANNUITY DESCRIBED IN §408(B) OF THE CODE, AN ANNUITY PLAN DESCRIBED IN §403(A) OF THE CODE, OR A QUALIFIED TRUST DESCRIBED IN §401(A) OF THE CODE, THAT ACCEPTS THE DISTRIBUTE'S ELIGIBLE ROLLOVER DISTRIBUTION. HOWEVER, IN THE CASE OF AN ELIGIBLE ROLLOVER DISTRIBUTION TO THE SURVIVING SPOUSE, AN ELIGIBLE RETIREMENT PLAN IS AN INDIVIDUAL RETIREMENT ACCOUNT OR INDIVIDUAL RETIREMENT ANNUITY.

(3) DISTRIBUTE. A DISTRIBUTE INCLUDES AN EMPLOYEE OR FORMER EMPLOYEE. IN ADDITION, THE EMPLOYEE'S OR FORMER EMPLOYEE'S SURVIVING SPOUSE AND THE EMPLOYEE'S OR FORMER EMPLOYEE'S SPOUSE OR FORMER SPOUSE WHO IS THE ALTERNATE PAYEE UNDER A QUALIFIED DOMESTIC RELATIONS ORDER, AS

DEFINED IN §414(P) OF THE CODE, ARE DISTRIBUTEES WITH REGARD TO THE INTEREST OF THE SPOUSE OR FORMER SPOUSE.

(4) DIRECT ROLLOVER. A DIRECT ROLLOVER IS A PAYMENT BY THE PLAN TO THE ELIGIBLE RETIREMENT PLAN SPECIFIED BY THE DISTRIBUTEE.

(F) Spendthrift Provisions:

(1) General Rule: Except as otherwise provided in this Chapter, all amounts payable pursuant to this chapter by the Trustee shall be paid only to the person or persons entitled thereto, and all such payments shall be paid directly into the hands of such person or persons and not into the hands of any other person or corporation whatsoever, and such payments shall not be liable for the debts, contracts or engagements of any such person or persons, or taken in execution by attachment or garnishment or by any other legal or equitable proceedings; nor shall any such person or persons have any right to alienate, anticipate, commute, pledge, encumber or assign any such payments or the benefits, proceeds or avails thereof; ~~provided, that nothing in this chapter shall affect, restrict or abridge any right of setoff or lien which the City may have by law, preclude a Participant from pledging as security a part or all of his interest in the Trust Fund to the Westminster Federal Credit Union, to the extent permitted by law, or affect, restrict or abridge any right of setoff, lien or collateral which such Credit Union or the City itself may have against such Participant's interest in the Trust Fund.~~

(G) Manner of Distribution: A Participant's interest may be distributed by one or more of the following methods:

(1) Lump Sum Distribution: The Participant's interest may be paid to the Participant or his Beneficiary by the distribution of the total balance of his account in one lump sum. The Participant, or his Beneficiary in the event of the Participant's death, shall have the right to have the distribution made in a lump sum by filing a written election with the trustee within such time as the Board shall prescribe.

(2) Installments: The Participant's interest may be paid to the Participant or his Beneficiary in substantially equal periodic installments over a period of time not to exceed ~~twenty (20) years~~ THE JOINT LIFE EXPECTANCY OF THE PARTICIPANT AND HIS BENEFICIARY (OR UNTIL THE ACCOUNT IS EXHAUSTED) and not in installment frequency greater than monthly. THE MAXIMUM PERIOD SHALL BE DETERMINED UNDER THE APPLICABLE IRS TABLES AT THE TIME THE INITIAL MONTHLY INSTALLMENT PAYMENT BECOMES PAYABLE. The Participant, or his Beneficiary in the event of the Participant's death, shall have the right to have the distribution made in this manner by filing a written elective with the trustee within such time as the Board shall prescribe. In no instance shall any changes in this type of distribution be allowed more than once every six months.

(3) Other Methods: Notwithstanding the foregoing provisions, any interest which has become distributable for any reason may be distributed at such time or times, in such amount or amounts, and in such manner, as the Board and the recipient of such distribution may mutually determine, including a transfer to another qualified plan or individual retirement account.

~~(4) If the Participant or Beneficiary fails to notify the Trustee or Board of the manner of distribution preferred by the date distribution would otherwise commence the Participant's interest shall be distributed in substantially equal monthly installments over twenty (20) years unless the participant's interest meets the minimum automatic distribution allowed by Internal Revenue Service.~~

(H) Limitation on Duration of Payments: No distribution shall be made over a period exceeding ~~twenty (20) years~~ THE JOINT LIFE EXPECTANCY OF THE PARTICIPANT AND HIS BENEFICIARY. To the extent distribution is made after the Participant attains the age of seventy and one-half (70 1/2), if not paid in a lump sum, the distribution must be made in substantially equal periodic installments at least annually over the period prescribed in this subsection subject to a once yearly change that may accelerate payment at the election of the Participant or Beneficiary. The present value of the benefits payable solely to the Participant under any elected method must exceed fifty percent (50%) of the total benefits payable

to the Participant and his Beneficiaries, unless distribution is in the form of a qualified joint and survivor annuity.

(J) Special Rules for Distributions after the Participant's Death:

(4) RMSA DISTRIBUTIONS AFTER DEATH:

(a) SHOULD A PARTICIPANT WITH A BALANCE IN THE RETIREMENT MEDICAL SAVINGS ACCOUNT (RMSA) DIE PRIOR TO EXHAUSTING THE BALANCE IN THE RMSA, THE ACCOUNT MAY BE USED FOR THE BENEFIT OF THE PARTICIPANT'S SPOUSE AND DEPENDENTS UNDER THE TERMS OF SECTION 14-1-7(C)(4).

(b) SHOULD A PARTICIPANT WITH A BALANCE IN THE RETIREMENT MEDICAL SAVINGS ACCOUNT DIE PRIOR TO EXHAUSTING THE BALANCE IN THE RMSA AND WITHOUT A SPOUSE OR DEPENDENT, THE PARTICIPANT'S DESIGNATED BENEFICIARY, IF ANY NAMED, SHALL BE ELIGIBLE TO RECEIVE THE REMAINING BENEFITS.

Section 8. Section 14-1-9, subsection (B)(3), W.M.C., is hereby AMENDED to read as follows:

14-1-9: POLICE PENSION BOARD:

(B) Duties and Powers of the Board: The Board shall be charged with the administration of this Plan and shall decide all questions arising in the administration, interpretation and application of the Plan, including all questions relating to eligibility, vesting and distribution. The decisions of the Board shall be conclusive and binding on all parties.

(3) If the Trustee enters into a contract at the direction of the Board which permits the right of Participants to direct the investment of their interest in the Trust Fund in forms of investment offered, the Board shall provide the opportunity to Participants to make options as to investment. THE BOARD SHALL ADOPT VARIOUS INVESTMENT OPTIONS FOR THE INVESTMENT OF CONTRIBUTIONS BY THE PARTICIPANT AND SHALL MONITOR AND EVALUATE THE APPROPRIATENESS OF THE INVESTMENT OPTIONS OFFERED BY THE PLAN. THE BOARD MAY REMOVE OR PHASE OUT AN INVESTMENT OPTION IF THE INVESTMENT OPTION HAS FAILED TO MEET THE ESTABLISHED EVALUATION CRITERIA OR FOR OTHER GOOD CAUSE AS DETERMINED BY THE BOARD. ~~Unless the Board shall otherwise determine, any such investment direction may be changed by a Participant only at the end of a calendar quarter.~~ Neither the Trustee, nor the Board, THE PLAN ADMINISTRATOR NOR THE CITY shall be held liable for any losses or changes to a Participant's interest that results from that Participant's choice of investment option.

Section 9. Section 14-1-9, subsection (H), W.M.C., is hereby AMENDED BY THE ADDITION OF A NEW SUBSECTION (5) to read as follows:

14-1-9: POLICE PENSION BOARD:

(H) Resignation and Removal of Members; Appointment of Successors:

(5) A MEMBER OF THE BOARD MAY BE REMOVED FROM THE BOARD IN THE MANNER DEFINED IN SECTION II(F) OF THE CITY OF WESTMINSTER POLICE AND GENERAL EMPLOYEE PENSION PLAN BY-LAWS.

Section 10. Section 14-1-10, subsection (A)(2)(c), W.M.C., is hereby AMENDED to read as follows:

14-1-10: POWERS AND DUTIES OF THE TRUSTEE:

(A) Investment of Trust Fund:

(2) The Trustee shall have the power to invest and/or reinvest any and all money or property of any description at any time held by it and constituting a part of the Trust Fund without previous application to, or subsequent ratification of, the City Council, the City Manager, any court, tribunal or commission, or any Federal or State governmental agency, in accordance with the following powers:

(c) If directed by the Board, the Trustee shall enter into contracts as investment vehicles for the plan, which contracts shall then become a part of this plan. The Trustee shall then be authorized to sign such other documents and take such other actions as might be necessary or appropriate to carry out the terms of such contracts. The Trustee may enter into such contracts as Trustee of this Plan alone, or as Trustee of this Plan and as Trustee of the City's General Employee ~~AND/OR FIRE~~ Pension Plan in which case the funds of the two ~~OR MORE~~ plans may be co-mingled for investment purposes.

Section 11. Section 14-1-12, subsection (B), W.M.C., is hereby AMENDED to read as follows:

14-1-12: MISCELLANEOUS:

(B) Notices from Participants to be Filed with ~~Board~~ PLAN ADMINISTRATOR: Whenever provision is made that a Participant may exercise any option or election or designate any Beneficiary, the action of each Participant shall be evidenced by a written notice therefore signed by the Participant on a form furnished by the ~~Board~~ PLAN ADMINISTRATOR for such purpose and filed with the ~~Board~~ PLAN ADMINISTRATOR, which shall not be effective until received by the ~~Board~~ PLAN ADMINISTRATOR.

Section 12. Section 14-2-1, W.M.C., is hereby AMENDED BY THE ADDITION OF A NEW SUBSECTION (D) to read as follows:

14-2-1: NAME AND PURPOSE OF PLAN; HISTORY:

(D) ON SEPTEMBER 1, 2004, THE CITY TRANSFERRED THE ASSETS OF THE FIREFIGHTER'S PENSION PLAN TO THE FIRE AND POLICE PENSION ASSOCIATION OF COLORADO DEFINED BENEFIT SYSTEM AND THE FIREFIGHTER'S PENSION PLAN WAS TERMINATED. PARTICIPANTS IN THE FIREFIGHTER'S PENSION PLAN BECAME PARTICIPANTS IN THE FPPA DEFINED BENEFIT SYSTEM. ASSETS IN THE RETIREMENT MEDICAL SAVINGS ACCOUNT (RMSA) IN THE FIREFIGHTER'S PENSION PLAN WERE TRANSFERRED TO THE GENERAL EMPLOYEE'S PENSION PLAN FOR USE AS DEFINED IN SECTION 14-2-7(C)(4) OF THIS PLAN.

Section 13. Section 14-2-2, W.M.C., is hereby AMENDED to read as follows:

14-2-2: DEFINITIONS: When used herein, the following words shall have the following meanings unless the context clearly indicates otherwise and further provided that the masculine gender shall include the feminine, and the singular shall include the plural:

(A) "BENEFICIARY": Any person or entity who, pursuant to Section 14-2-6(B) becomes entitled to receive all or any part of a Participant's interest upon the Participant's death.

(B) "BOARD": The General Employee Pension Board established in this Chapter.

(C) "CITY": The City of Westminster, Colorado.

(D) "CODE": THE INTERNAL REVENUE CODE OF 1986, AS IT MAY BE AMENDED, OR RE-ENACTED OR REPLACED. REFERENCE TO A SPECIFIC SECTION OF THE CODE SHALL MEAN THE SECTION IN EFFECT AT THE DATE OF ADOPTION OF THIS PLAN, OR ANY SUCCESSOR SECTION TO SUCH SECTION.

~~(D)~~ (E) "COMPENSATION": The base pay of a Participant for services rendered to the City, ~~including longevity pay, but~~ excluding overtime pay, bonuses, insurance premiums, pension and retirement

benefits, and all contributions by the City to this Plan, to any health, accident or welfare fund or plan, or any similar benefit. Compensation shall be computed prior to any salary reduction for mandatory contributions picked up by the City or amounts deferred under a deferred compensation plan or a salary reduction plan or pre-tax medical plan. Compensation for part-time employees is the pay earned for the amount of full time equivalents (FTE'S) budgeted for their positions.

~~(E)~~ (F) "CONTRIBUTING PARTICIPANT": Any employee who is making contributions to this Plan whether or not the City is contributing.

~~(F)~~ "DIRECT ROLLOVER": A direct rollover is a payment by the plan to the eligible retirement plan specified by the distributee.

~~(G)~~ "DISTRIBUTE": A distributee includes an employee or former employee. In addition, the employee's or former employee's surviving spouse and the employee's or former employee's spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in Section 414(p) of the Federal Internal Revenue Service Code, are distributees with regard to the interest of the spouse or former spouse.

~~(H)~~ "ELIGIBLE RETIREMENT PLAN": An eligible retirement plan is an individual retirement account described in Section 408(a) of the Federal Internal Revenue Service (IRS) Code, an individual retirement annuity described in Section 408(b) of the IRS Code, an annuity plan described in Section 403(a) of the IRS Code, or a qualified trust described in Section 401(a) of the IRS Code, that accepts the distributee's eligible rollover distribution. However, in the case of an eligible rollover distribution to the surviving spouse, an eligible retirement plan is an individual retirement account or individual retirement annuity.

~~(I)~~ "ELIGIBLE ROLLOVER DISTRIBUTION": An eligible rollover distribution is any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include: Any distribution that is one of a series of substantially equal period payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated beneficiary, or for a specified period of ten years or more; any distribution to the extent such distribution is required under Section 401(a)(9) of the Internal Revenue Service Code; and the portion of any distribution that is not includable in gross income (determined without regard to the exclusion for new unrealized appreciation with respect to employer securities).

~~(J)~~ (G) "EMPLOYEE": Any person who fills an authorized position that is scheduled to work at least twenty (20) hours during a seven day cycle, excluding firefighters and police officers as defined in this Chapter, temporary employees, elected officials, independent contractors, volunteers and part-time employees scheduled to work less than twenty (20) hours in a seven day cycle.

~~(K)~~ "FIREFIGHTER": Any person who is employed in the Fire Department except clerical employees and volunteers.

~~(L)~~ (H) "FULL PARTICIPANT": Any employee who is qualified to receive employer contributions under this Plan.

~~(M)~~ (I) "INACTIVE PARTICIPANT": Any person who has been a contributing participant to this plan or a preceding pension plan of the City who is no longer an employee but who has not received full distribution of all respective interest in the plan.

~~(N)~~ (J) "INTEREST": The amount of a participant's share in the trust fund including City contributions, employee contributions and earnings.

~~(O)~~ (K) "PARTICIPANT": Any contributing participant or inactive participant.

~~(P)~~ (L) "PLAN": The Pension Plan established in this chapter and all subsequent amendments thereto.

(M) "PLAN ADMINISTRATOR": THE PERSON APPOINTED BY THE CITY MANAGER TO ADMINISTER THE PLAN.

~~(Q)~~ (N) "PLAN YEAR": The City's fiscal year which is the calendar year, which shall be the fiscal year of the trust fund established pursuant to this Plan.

~~(R)~~ (O) "POLICE OFFICER": Any person who is employed by the City as a ~~recognized law enforcement~~ POLICE officer AS DEFINED BY TITLE III OF THIS CODE AND WHO EITHER IS THE CHIEF OF POLICE OR REPORTS TO THE CHIEF OF POLICE ~~and who has sworn to enforce the ordinances of the City; the laws of the State of Colorado and the United States of America. The term Police Officer shall not include dispatchers, clerical employees, animal control personnel, civilian administrative personnel, reserve officers, code enforcement personnel and any other employees who do not regularly enforce the traffic and criminal codes and ordinances of the City and State.~~

~~(S)~~ (P) "TERMINATION OF EMPLOYMENT": The cessation of a person's status as an "Employee" as defined in this section. If the person, upon termination of employment, becomes eligible to participate in ~~either the Police or Fire Pension Plan~~, without a break in municipal service, the employee's interest shall be transferred to that plan and the person shall retain his participant status. Termination due to dismissal shall become effective on the date after the employee's grievance rights, if any, have lapsed or, if a grievance is filed, on the date of the final decision by the City.

~~(T)~~ (Q) "TOTAL DISABILITY": A disability which permanently renders a participant unable to perform satisfactorily the usual duties of his employment with the City as determined by the Board and which results in his termination of employment with the City.

~~(U)~~ (R) "TRUST FUND": The assets of the trust established pursuant to this Plan out of which the benefits under this Plan shall be paid including all income of whatever nature earned by the fund and all increases in fair market value.

~~(V)~~ (S) "TRUSTEE": The Trustee of the trust fund established pursuant to this Plan who shall always be the current acting Finance Director of the City of Westminster and any duly qualified corporate co-trustee appointed pursuant to Section 14-2-10 and any duly appointed and qualified successor trustees.

Section 14. Section 14-2-3, subsection (A)(1), W.M.C., is hereby AMENDED to read as follows:

14-2-3: PARTICIPATION OF EMPLOYEES:

(A) Participants.

(1) Contributing Participant: Each employee hired on or after January 6, 1986 shall become a Contributing Participant in the Plan on the date the employee becomes a regular or qualified part-time employee and has attained the age of eighteen (18). ~~Each person who is an employee on January 6, 1986 but who has not yet completed twenty two (22) months of service with the City may elect to become a Contributing Participant on January 6, 1986, or upon the attainment of the age of eighteen (18), whichever is later.~~

~~The election shall be made on a form prescribed by the Board and must be signed by the employee and submitted to the Trustee by January 6, 1986, or such later date as prescribed by the Board. Any employee who is not a Contributing Participant on the date he becomes eligible to be a Full Participant will begin making mandatory contributions on the same date as employer contributions begin. By accepting employment with the City, each employee shall be deemed to have consented to the terms and provisions of this Plan.~~

Section 15. Section 14-2-4, subsections (A)(2), (B)(1)(c), (B)(3), (C)(1) and (E), W.M.C., are hereby AMENDED to read as follows:

14-2-4: CONTRIBUTIONS BY THE CITY AND PARTICIPANTS

(A) Contributions by the City.

(2) Time and Method of Payment of Contribution by the City: The contributions of the City shall be made every pay period and shall be credited to the Plan ~~on~~ each pay ~~day~~ PERIOD.

(B) Contributions by Contributing Participants.

(1) Mandatory Employee Contributions:

(c) Each Participant, as a condition to his employment, shall be deemed to have authorized the City to reduce the participant's compensation by such amount from each of his paychecks and to transmit such amount directly to the ~~Trustee~~ PLAN CUSTODIAN according to the provisions of this chapter.

(3) Payment of Participant Contributions: The contributions of the employee shall be withheld every pay period and shall be credited to the plan ~~on~~ each pay~~day~~ PERIOD.

(C) Retirement Medical Savings Account:

(1) Subject to approval by the Internal Revenue Service, each participant shall have the option of designating up to 25% of his OR HER COMBINED mandatory and City contribution to be used for future medical expenses as provided for in Section 401(h) of the Federal Internal Revenue Service Code. Contributions to the medical savings account will not be taxed at ~~retirement~~ SEPARATION FROM SERVICE nor upon use for medical purposes ~~during retirement~~ AFTER SEPARATION FROM SERVICE. The retirement medical savings accounts will be subject to the rules and requirements issued by the City Manager.

(E) CONTRIBUTIONS FOR PERIODS OF QUALIFIED MILITARY SERVICE. THE EMPLOYER SHALL MAKE ALL CONTRIBUTIONS TO THE PLAN REQUIRED BY SECTION 414(U) OF THE CODE WHICH ARE ATTRIBUTABLE TO PERIODS OF QUALIFIED MILITARY SERVICE. IN ADDITION, THE EMPLOYER SHALL ALLOW ANY PARTICIPANT TO MAKE ELECTIVE CONTRIBUTIONS FOR PERIODS OF QUALIFIED MILITARY SERVICE AND THE EMPLOYER SHALL MAKE ANY MATCHING CONTRIBUTIONS BASED UPON SUCH CONTRIBUTIONS AT THE RATE AT WHICH SUCH ELECTIVE CONTRIBUTIONS OF THE EMPLOYEE WOULD HAVE BEEN MADE DURING THE APPLICABLE PERIOD OF QUALIFIED MILITARY SERVICE, EACH AS REQUIRED BY SECTION 414(U) OF THE CODE. THE EMPLOYER MAY ELECT TO MAKE ADDITIONAL CONTRIBUTIONS BASED UPON SUCH QUALIFIED MILITARY SERVICE BASED UPON EMPLOYER CONTRIBUTIONS MADE DURING THE APPLICABLE PERIOD, PROVIDED SUCH ELECTION BY THE EMPLOYER IS MADE ON A NON-DISCRIMINATORY BASIS APPLICABLE TO ALL SIMILARLY SITUATED EMPLOYEES WHO HAVE QUALIFIED MILITARY SERVICE. ANY CONTRIBUTIONS MADE UNDER THIS SUBSECTION SHALL BE SUBJECT TO THE PROVISIONS OF SECTION 414(U) OF THE CODE AND THE PROVISIONS OF THIS PLAN SHALL BE APPLIED CONSIDERING ANY SUCH CONTRIBUTIONS AS HAVING BEEN MADE DURING THE PLAN YEAR TO WHICH THE CONTRIBUTIONS RELATE. FOR THE PURPOSES OF THIS SECTION, "QUALIFIED MILITARY SERVICE" MEANS SERVICE IN THE UNIFORMED SERVICES OF THE UNITED STATES (AS DEFINED IN CHAPTER 43 OF TITLE 38, UNITED STATES CODE) BY ANY INDIVIDUAL IF SUCH INDIVIDUAL IS ENTITLED TO RE-EMPLOYMENT RIGHTS WITH RESPECT TO SUCH SERVICE.

Section 16. Section 14-2-5, W.M.C., is hereby AMENDED to read as follows:

14-2-5: DETERMINATION AND VESTING OF PARTICIPANTS' INTERESTS:

(A) Allocation of Employer Contributions: The contributions made by the employer to the credit of the account of each Full Participant shall be allocated to the account of each such Participant as of the end of

each pay period. Any allocation shall be subject to the limitations set forth in subsection (B) of this section.

(B) Limitations on Allocations:

(1) General Rule: In no event may a Participant receive an allocation for any year which, when combined with his allocation under any other defined contribution plan established by the City, exceeds the lesser of ~~twenty-five~~ ONE HUNDRED percent (~~25~~ 100%) of his OR HER compensation for such year or \$30,000 40,000, provided such figure shall ~~change to conform with any adjustment for changes in the cost of living after the enactment of the Tax Equity and Fiscal Responsibility Act of 1982, as provided by law or regulation~~ BE ADJUSTED AS PROVIDED IN CODE SECTION 415(D). FOR LIMITATION YEARS BEGINNING BEFORE JANUARY 1, 2002, THE FOREGOING PERCENTAGE LIMITATION IS 25% AND THE FOREGOING DOLLAR LIMITATION IS \$30,000, AS ADJUSTED PURSUANT TO CODE SECTION 415(D). For the purpose of applying the foregoing limitation, the limitation year shall be the plan year. If a short limitation year is created as a result of a change in the limitation year, the dollar limitation for such short limitation year shall be the dollar limitation set forth in this subsection multiplied by a fraction, the numerator of which is the number of months in such short year and the denominator of which is twelve (12).

(2) Allocations: For the purpose of applying the limitations of this Section, the allocation to the Participant shall include the following amounts allocated to the account of a Participant for a limitation year: Employer contributions, forfeitures, and non-deductible contributions made by the Participant, provided that for years beginning before 1987, only nondeductible contributions in excess of six percent (6%) of his compensation for the year, or one-half (1/2) of the non-deductible contributions made by the Participant, whichever shall be less, shall be counted as an allocation. Except that, for the plan years beginning on or after January 1, 1994, allocations may not be based on compensation in excess of the annual limitation of \$150,000.00, subject to adjustment as provided for by law or regulation, for the account of any individual participant. For the purpose of applying the limitations of this Section, compensation from and allocations received under any retirement plan maintained by any other employer which is a common member with the employer of either a controlled group of businesses or an affiliated service group, as prescribed by law or regulation, shall be counted.

(3) Excluded Amounts: Any amount not mentioned in paragraph (2) of this subsection shall not be considered an allocation. The amounts not considered as allocations include deductible Participant contributions, rollover contributions and transfers from other qualified plans allocated to the account of a Participant.

(4) Treatment of Excess: In the event an allocation would otherwise exceed the limitations of this section, any non-deductible voluntary contribution by the Participant which is counted as part of such allocation shall be returned to such Participant to the extent necessary to reduce such allocation on a level in compliance with the limitations of this section.

If after such return of contributions there still remains an excess, the excess over such limitations shall be held in a suspense account until such amount can be applied to reduce the next contribution by the employer. If the employer maintains more than one qualified defined contribution plan, the excess shall be considered to have first occurred in the Plan to which the contribution of the employer is discretionary, and if there is no such plan, the excess shall be treated as having occurred in all defined contribution plans on a pro rata basis based upon the employer contribution to each of the Plans. If this plan is terminated when there is an amount held in such a suspense account, the amount held in such account, which cannot be allocated to Participants without exceeding the foregoing limits, shall be returned to the employer.

~~(5) Defined Benefit Plans: In any year if a Participant in this Plan is or ever has been a Participant in a defined benefit plan maintained by the employer, then the sum of the Defined Benefit Plan fraction and the Defined Contribution Plan fraction (both as prescribed by law) for such Participant for such year shall not exceed 1.0. In any year if the sum of the Defined Benefit Plan fraction on behalf of a Participant would exceed 1.0, then the allocation under this plan shall be reduced to the extent necessary so that the sum of such fractions does not exceed 1.0. For purposes of this Section, the limitation year shall be the~~

~~plan year. The Defined Benefit Plan fraction for any Participant shall be the fraction, the numerator of which is the projected annual benefit of the Participant under the plan (determined as of the close of the year), and the denominator of which is the lesser of (i) the product of 1.25 multiplied by the maximum dollar limitation for benefits set forth in subsection 415(b)(1)(A) of the Federal Internal Revenue Code for such year, or (ii) the product of 1.4 multiplied by the percentage limitation set forth under Subsection 415(b)(1)(B) of the Federal Internal Revenue Code with respect to such Participant for such year. The Defined Contribution Plan fraction shall be the fraction, the numerator of which is the sum of the annual additions to the Participant's account as of the close of the year for such year and all prior years, and the denominator of which is the sum of the lesser of the following amounts determined for such year and for each prior year of service with the employer:~~

~~(i) The product of 1.25 multiplied by the dollar limitation in effect under Subsection 415(c)(1)(A) of the Federal Internal Revenue Code for such year, or (ii) the product of 1.4 multiplied by the amount which may be taken into account under Subsection 415(c)(1)(B) of the Federal Internal Revenue Code with respect to such individual under such plan for such year with respect to dollar limitations.~~

~~(6) (5) Compensation: For the purposes of applying the limitations of this subsection (B), compensation means the total amount paid by the employer to a Participant for services rendered to the employer which are included in the taxable income of the Participant, provided that for limitation years beginning after December 31, 1997, compensation for the purposes of this Section shall not be reduced by voluntary salary deferrals or reductions for a participant under a plan established under Federal Internal Revenue Service Code Sections 125, 457, 401(k), OR 403(b), 132(F)(4), 402(G)(3), 457, 401(K), OR 403(B). THE ANNUAL COMPENSATION OF EACH PARTICIPANT TAKEN INTO ACCOUNT IN DETERMINING ALLOCATIONS FOR ANY PLAN YEAR BEGINNING AFTER DECEMBER 31, 2001, SHALL NOT EXCEED TWO HUNDRED THOUSAND DOLLARS (\$200,000), AS ADJUSTED FOR COST-OF-LIVING INCREASES IN ACCORDANCE WITH §401(A)(17)(B) OF THE CODE. FOR YEARS BEGINNING PRIOR TO JANUARY 1, 2002, THE DOLLAR AMOUNT IN THE FOREGOING SENTENCE IS ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000). ANNUAL COMPENSATION MEANS COMPENSATION DURING THE PLAN YEAR OR SUCH OTHER CONSECUTIVE 12-MONTH PERIOD OVER WHICH COMPENSATION IS OTHERWISE DETERMINED UNDER THE PLAN (THE DETERMINATION PERIOD). THE COST-OF-LIVING ADJUSTMENT IN EFFECT FOR A CALENDAR YEAR APPLIES TO ANNUAL COMPENSATION FOR THE DETERMINATION PERIOD THAT BEGINS WITH OR WITHIN SUCH CALENDAR YEAR.~~

~~(C) Contribution Percentage Test for Matching and Employee Contributions:~~

~~— (1) General Rule: The average contribution percentage in any year of all participants who are highly compensated employees may not exceed the greater of the following amounts:~~

~~— (a) 125% of the average contribution percentage for such year of all participants who are not highly compensated employees; or~~

~~— (b) The average contribution percentage for such year of all participants who are not highly compensated employees, plus two percentage points (2%), limited to two times the average contribution percentage for all such participants.~~

~~— For purposes of the foregoing, the average contribution percentage is the average of the sum of the City contributions under Section 14-1-4(A) allocated to the account of the applicable participant plus such participant's voluntary non-deductible contributions, divided by the total compensation of such participant for each such participant. If the amount to be contributed by the City and allocated to the accounts of participants who are highly compensated employees exceeds the foregoing limitations, then the amount so allocated shall be reduced, beginning with the highest dollar amount of contribution among such participants, to the extent necessary to satisfy such limitation and such excess amount, together with earnings thereof, and shall be distributed to such participants no later than 2 1/2 months after the end of the plan year in which such contributions were made.~~

~~— (2) Adjustment of Contribution Percentage: The employer may in its discretion make contributions to the Plan, which shall be designated as additional matching contributions and which shall be allocated to the accounts of participants who are not highly compensated employees, in order to increase the average contribution percentage of such participants. In applying the limitation above, the administrator shall take into account such designated employer contributions.~~

~~— (3) Excess Aggregate Contributions: Employer contributions and employee contributions in excess of the limitations of this Section are excess aggregate contributions.~~

~~— (4) Disposition of excess aggregate contributions.~~

~~— (a) General Rule: Notwithstanding any other provision of this Plan, excess aggregate contributions, plus any income and minus any loss allocable thereto, shall be forfeited, if forfeitable, or if not forfeitable, distributed no later than the last day of each Plan year to participants to whose accounts such excess aggregate contributions were allocated for the preceding Plan year. If such excess aggregate contributions are distributed more than 2 1/2 months after the last day of the Plan year in which such excess amounts arose, a 10% excise tax will be imposed on the employer maintaining the Plan with respect to those amounts. Excess aggregate contributions shall be treated as annual additions under the Plan.~~

~~— (b) Determination of Income or Loss: Excess aggregate contributions shall be adjusted for any income or loss up to the date of distribution. The income or loss allocable to excess aggregate contributions is the sum of: (i) income or loss allocable to the participant's employee contribution account, matching contribution account (if any, and if all amounts therein are not used in the deferral percentage test under Internal Revenue Service Code Section 401(k)) and, if applicable, qualified non-elective contribution account and elective deferral account for the plan year multiplied by a fraction, the numerator of which is such participant's excess aggregate contributions for the year and the denominator of which is the participant's account balance(s) attributable to contribution percentage amount without regard to any income or loss occurring during such plan year; and (ii) 10% of the amount determined under (i) multiplied by the number of whole calendar months between the end of the Plan year and date of distribution, counting the month of distribution if distribution occurs after the 15th of such month.~~

~~— (c) Forfeitures of Excess Aggregate Contributions: Forfeitures of excess aggregate contributions shall be applied to reduce employer contributions.~~

~~— (d) Accounting for Excess Aggregate Contributions: Excess aggregate contributions shall be forfeited, if forfeitable or distributed on a pro rata basis from the participant's employee contribution account, employer contribution account, and qualified matching contribution account, if any, (and, if applicable, the participant's qualified non-elective contribution account or elective deferral account, or both).~~

~~— (e) Aggregate Limit: For purposes of this Section, the term "Aggregate limit" shall mean the sum of (i) 125% of the greater of the deferral percentage of the non-highly compensated employees for the plan year or the contribution percentage of the non-highly compensated employees under the plan subject to Internal Revenue Service Code Section 401(m) for the plan year beginning with or within the plan year of the cash or deferred arrangement under Section 401(k) and (ii) The lesser of 200% of 2 plus the lesser of such deferral percentage or contribution percentage. The word "lesser" shall be substituted for "greater" in (i), above, and "greater" shall be substituted for "lesser" after "2 plus the" in (ii) if by substituting such terms would result in a larger aggregate limit.~~

~~— (5) Special Rule:~~

~~— (a) In the event that this plan satisfied the requirements of Sections 401(m), 401(a)(4), or 410(b) of the Internal Revenue Service Code only if aggregated with one or more other plans, or if one or more other plans satisfy the requirements of such Sections of the Internal Revenue Service Code only if aggregated with this plan, then this Section shall be applied by determining the deferral percentage test under Internal Revenue Service Code Section 401(m) of employees as if all such plans were a single~~

~~plan. For plan years beginning after December 31, 1989, plans may be aggregated in order to satisfy Section 401(m) of the Internal Revenue Service Code only if they have the same plan year.~~

~~(6) Highly Compensated Employee: For purposes of this Section, an employee is treated as a "Highly Compensated Employee" (HCE) if:~~

~~(a) During the preceding year, the employee received compensation in excess of \$80,000, to be indexed for cost of living increases; and the employee was also in the top paid twenty percent (20%) of employees during that year; or~~

~~(b) The employee was a five percent (5%) owner at any time during the year or the preceding year.~~

~~(c) Rules of Construction. The determination of who is a highly compensated employee, including the determinations of the number and identity of employees in the top paid group, will be made in accordance with Section 414(q) of the Federal Internal Revenue Service Code and the regulations thereunder.~~

~~(D)~~ (C) Allocation of earnings, losses, charges and changes in fair market value of the net assets of the trust fund: Earnings and losses of the Trust Fund, ~~third party and administrative charges~~ and changes in the fair market value of the net assets of the Trust Fund shall be allocated under the direction of the Trustee at least quarterly to the Participants as of each regular evaluation date, in the ratio that the total dollar value of the interest of each such Participant in the Trust Fund bears to the aggregate dollar value of all of such interests of all such Participants. THIRD PARTY AND ADMINISTRATIVE CHARGES SHALL BE ALLOCATED IN THE RATIO THAT THE TOTAL DOLLAR VALUE OF THE INTEREST OF EACH SUCH PARTICIPANT IN THE TRUST FUND BEARS TO THE AGGREGATE DOLLAR VALUE OF ALL OF SUCH INTERESTS OF ALL SUCH PARTICIPANTS OR EQUALLY TO ALL PARTICIPANTS.

~~(E)~~ (D) Participant's Accounts: The Board shall maintain, or cause the City or Trustee to maintain, an account for each Participant showing the dollar value of his current interest in the Trust Fund resulting from any contributions made by the City, which account shall be known as the City contributions account. Separate accounts to be known as Participants' contributions accounts shall also be kept, showing the contributions of each Participant and the earnings, losses and changes in fair market value thereof.

~~(F)~~ (E) Evaluation Dates: The regular evaluation dates of the Trust Fund shall be AT LEAST the last bank business day of each calendar quarter at which time the Board shall determine, or cause the Trustee to determine, the value of the net assets of the Trust Fund, i.e., the value of all of the assets of the Trust Fund at fair market value thereof, less all liabilities, both as known to the Trustee, including the value of the contribution of the City and the Participants for that quarter. If an event described in Section 14-2-7 (A) occurs between regular evaluation dates requiring a distribution of any part of a Participant's interest in the Trust Fund, the dollar value of such Participant's interest shall be adjusted to reflect the contributions made after the last evaluation date without any earnings, losses or other changes. The dollar value of his interest as so adjusted shall be the amount which shall be distributed to such Participant or his Beneficiary.

~~(G)~~ (F) Vesting of Participant's Interests:

(1) A Participant's interest in the contributions made by him and the earnings, losses and changes in fair market value thereof, shall be fully vested at all times. The interest of a Participant in the contributions made by the City, and the earnings, losses and changes in fair market value thereof, shall be fully vested at all times.

(2) Any interest in the Trust Fund shall be and become payable to a Participant or his Beneficiaries only as and to the extent provided in this Chapter; and a Participant who dies having designated a Beneficiary shall cease to have any interest hereunder or in his separate trust account, and his Beneficiary

shall become entitled to distribution thereof as herein provided by virtue of the terms of this Chapter and not as a result of any transfer of said interest or account.

~~(H)~~ (G) Vesting Upon Termination of Plan or Discontinuance of Contributions: Notwithstanding the provisions of subsection ~~(G)~~ (F) of this section, upon the termination of the Plan or upon the complete discontinuance of contributions under the Plan to the Trust Fund, the interests of all Participants shall become fully and completely vested and non-forfeitable for all purposes.

(H) INVESTMENT OF PARTICIPANT'S ACCOUNT: A PARTICIPANT'S ACCOUNT SHALL BE INVESTED IN THE INVESTMENT OPTIONS IN ACCORDANCE WITH THE INVESTMENT ELECTIONS SPECIFIED BY THE PARTICIPANT. A PARTICIPANT MAY CHANGE THE INVESTMENT OF CONTRIBUTIONS AND MAY REALLOCATE AMOUNTS IN THEIR ACCOUNT AMONG THE INVESTMENT OPTIONS IN A MANNER DETERMINED BY THE PLAN CUSTODIAN AND SUBJECT TO SUCH PROVISIONS AS THE PLAN ADMINISTRATOR MAY ADOPT. ALLOCATION OF ASSETS AMONG INVESTMENT OPTIONS IS SOLELY THE RESPONSIBILITY OF EACH PARTICIPANT. THE FACT THAT AN INVESTMENT OPTION IS AVAILABLE FOR INVESTMENT TO PARTICIPANTS UNDER THE PLAN SHALL NOT BE CONSTRUED AS A RECOMMENDATION FOR INVESTMENT IN THAT INVESTMENT OPTION.

Section 17. Section 14-2-6, subsections (A)(2) and (B)(3), W.M.C., are hereby AMENDED to read as follows:

14-2-6: RETIREMENT DATE; DESIGNATION OF BENEFICIARY:

(A) Retirement Date:

(2) Early Retirement: Any contributing participant who ~~has attained~~ WILL ATTAIN the age of fifty-five (55) DURING THE YEAR may elect to retire earlier than the normal retirement age.

(B) Beneficiaries:

(3) Insurance Policies: The Beneficiary of any insurance ~~or annuity contract~~ on a Participant's life shall be determined and designated as provided in Section 14-2-8(A).

Section 18. Section 14-2-7, subsections (C), (D), (F)(1), (G), (H) and (J), W.M.C., are hereby AMENDED to read as follows:

14-2-7: DISTRIBUTION FROM TRUST FUND

(C) Distribution of Interests:

~~(1) Distribution Upon Retirement or Total Disability: If a Participant retires after attaining normal or early retirement age or becomes totally disabled, his share of this plan shall be distributed commencing no later than sixty (60) days after either the end of the plan year in which he retires, or the required distribution commencement date set forth in subsection (E) of this section, unless he elects to defer benefits pursuant to paragraph (5) of this subsection.~~

~~—(2) Distribution Upon Death: If a Participant dies, his interest shall be distributed, commencing no later than sixty (60) days after the end of the plan year in which the participant's death occurs or the date the Trustee determines the identity of the beneficiary, whichever is later, unless the beneficiary elects to defer benefits pursuant to paragraph (5) of this Subsection.~~

~~—(3) Distribution Upon Other Termination of Employment: If a Contributing Participant terminates his employment for any reason other than retirement after attaining normal or early retirement age, total disability, or death, his share of this plan shall be distributed commencing no later than one hundred twenty (120) days from the end of the calendar quarter in which the employee terminated employment, unless he elects to defer benefits pursuant to paragraph (5) of this Subsection.~~

~~(4) (1) Insurance and Annuity Contracts: If there has been an investment in a life insurance or annuity contract for the benefit of any Participant whose interest becomes distributable for any reason other than death, such Participant may, subject to any limitation set forth elsewhere in this Plan, obtain an absolute assignment of any such life insurance or annuity contract by informing the Board of his election. If said election is not exercised within thirty (30) days after the termination of employment, and the conversion election provided for is not made, the Board shall cause said contract to be surrendered no later than the end of the policy year and shall add the proceeds of such surrender to the interest of said Participant. Any annuity purchased or acquired by the trustee and distributed to a participant under the provisions of this subsection (C) shall, with respect to such participant, be nontransferable and the annuity contract will so provide. After December 31, 1996, no new life insurance contracts may be adopted as pension investments.~~

~~(5) (2) Election to Defer Benefits: A Participant may elect, with the consent of the Board, to have DEFER the commencement of distribution of his OR HER benefit deferred until a date later than the date specified in paragraph (1), (2) or (3) of this subsection, but in no event shall the commencement of distribution be later than the required distribution commencement date specified in subsection (E) of this section. If a Participant makes an election described in this section, such election shall be made by submitting to the Board, before the date distribution would otherwise commence, a written request, signed by the Participant, which describes the benefit and the date on which the payment of such benefit shall commence if the deferral is approved by the Board. Any change to the terms of the deferral must be resubmitted in writing to the Board for approval unless the change in terms is a request for the rollover of funds to an individual retirement account or a qualified plan. No election to defer or change the method of payment may be made more than once every six months once payments have commenced.~~

~~(6) (3) Distribution of Contributions: Any other provision of this subsection (C) to the contrary notwithstanding, a Participant, in the event of the termination of his employment for any reason, shall be entitled to receive payment in one lump sum of his interest in the Trust Fund provided he makes written demand therefore upon the Board. A participant's interest that is less than or equal to the minimum dollar amount as prescribed by the Internal Revenue Service may be distributed without receiving written application from the participant.~~

(4) BENEFITS PAYABLE FROM THE 401(h) ACCOUNT:

(a) BENEFITS ARE PAYABLE FROM THE RETIREMENT MEDICAL SAVINGS ACCOUNT ONLY UPON RETIREMENT, SEPARATION OF SERVICE, DEATH OR TOTAL DISABILITY.

(b) BENEFITS PAYABLE FROM A 401(h) ACCOUNT SHALL INCLUDE ONLY PAYMENTS OR REIMBURSEMENTS FOR MEDICAL CARE (AS DEFINED IN CODE SECTION 213(d)(1)).

(c) MEDICAL CARE PAYMENTS SHALL ONLY BE PAID PURSUANT TO A REIMBURSEMENT APPLICATION.

(d) NO REFUNDS OF CONTRIBUTIONS SHALL BE MADE. ALL CONTRIBUTIONS REMAIN IN THE 401(h) ACCOUNT UNTIL USED FOR MEDICAL CARE PAYMENTS.

(e) REIMBURSEMENTS MAY NOT BE MADE FOR ANY EXPENSE FOR WHICH THE RETIRED PARTICIPANT OR HIS OR HER SPOUSE OR DEPENDENTS RECEIVE, OR ARE ELIGIBLE TO RECEIVE, PAYMENT OR REIMBURSEMENT FROM ANOTHER SOURCE.

(f) IN ORDER TO RECEIVE BENEFITS FROM THE 401(h) ACCOUNT, THE RETIRED PARTICIPANT MUST AGREE TO PROVIDE APPROPRIATE DOCUMENTATION OF THE EXPENDITURE.

(D) Transfers Between Qualified Plans:

(1) In General: The Trustee and the Board PLAN CUSTODIAN, upon their mutual agreement, are authorized to receive and add to the interest of any Participant his THE PARTICIPANT'S vested interest in the assets held under any other qualified employee retirement plan or individual retirement account if such transfer satisfied SATISFIES the requirements under law for transfers between qualified plans or rollover contributions. In such event, the assets so received shall be fully vested and shall be held in a separate account and shall be administered and distributed pursuant to the provisions of this plan

and trust CONCERNING EMPLOYER CONTRIBUTIONS. The Trustee is also authorized, at the direction of the ~~Board~~ PLAN CUSTODIAN and at the request of the Participant, to transfer such Participant's vested interest which has become distributable under Subsection (A) hereof, directly to another qualified plan or an individual retirement account for the benefit of such Participant, provided such transfer satisfies the requirements under law for such transfers.

(2) For Distributions Made on or after January 1, 1993: Notwithstanding any provision of the plan to the contrary that would otherwise limit a distributee's election under this Section, a distributee may elect, at the time and in the manner prescribed by the plan administrator, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

(3) FOR DISTRIBUTIONS MADE AFTER DECEMBER 31, 2001. AN ELIGIBLE RETIREMENT PLAN SHALL ALSO MEAN AN ANNUITY CONTRACT DESCRIBED IN §403(B) OF THE CODE AND AN ELIGIBLE PLAN UNDER §457(B) OF THE CODE WHICH IS MAINTAINED BY A STATE, POLITICAL SUBDIVISION OF A STATE, OR ANY AGENCY OR INSTRUMENTALITY OF A STATE OR POLITICAL SUBDIVISION OF A STATE AND WHICH AGREES TO SEPARATELY ACCOUNT FOR AMOUNTS TRANSFERRED INTO SUCH PLAN FROM THIS PLAN. THE DEFINITION OF ELIGIBLE RETIREMENT PLAN SHALL ALSO APPLY IN THE CASE OF A DISTRIBUTION TO A SURVIVING SPOUSE, OR TO A SPOUSE OR FORMER SPOUSE WHO IS THE ALTERNATE PAYEE UNDER A QUALIFIED DOMESTIC RELATION ORDER, AS DEFINED IN §414(P) OF THE CODE. THE PLAN SHALL BE PERMITTED TO ACCEPT ROLLOVERS FROM ANY TYPE OF ELIGIBLE RETIREMENT PLAN EXCEPT TO THE EXTENT LIMITED IN SECTION 14-2-7.

(4) DEFINITIONS.

1. ELIGIBLE ROLLOVER DISTRIBUTION. AN ELIGIBLE ROLLOVER DISTRIBUTION IS ANY DISTRIBUTION OF ALL OR ANY PORTION OF THE BALANCE TO THE CREDIT OF THE DISTRIBUTE, EXCEPT THAT AN ELIGIBLE ROLLOVER DISTRIBUTION DOES NOT INCLUDE: (I) ANY DISTRIBUTION THAT IS ONE OF A SERIES OF SUBSTANTIALLY EQUAL PERIOD PAYMENTS (NOT LESS FREQUENTLY THAN ANNUALLY) MADE FOR THE LIFE (OR LIFE EXPECTANCY) OF THE DISTRIBUTE OR THE JOINT LIVES (OR JOINT LIFE EXPECTANCIES) OF THE DISTRIBUTE AND THE DISTRIBUTE'S DESIGNATED BENEFICIARY, OR FOR A SPECIFIED PERIOD OF TEN YEARS OR MORE; (II) ANY DISTRIBUTION TO THE EXTENT SUCH DISTRIBUTION IS REQUIRED UNDER §401(A)(9) OF THE CODE; (III) ANY HARDSHIP DISTRIBUTION AS DESCRIBED IN §401(K)(2)(B)(I)(IV) OF THE CODE (APPLICABLE ONLY TO DISTRIBUTIONS AFTER DECEMBER 31, 1999); AND (IV) THE PORTION OF ANY DISTRIBUTION THAT IS NOT INCLUDABLE IN GROSS INCOME (DETERMINED WITHOUT REGARD TO THE EXCLUSION FOR NET UNREALIZED APPRECIATION WITH RESPECT TO EMPLOYER SECURITIES). ANY AMOUNT THAT IS DISTRIBUTED ON ACCOUNT OF HARDSHIP SHALL NOT BE AN ELIGIBLE ROLLOVER DISTRIBUTION AND THE DISTRIBUTE MAY NOT ELECT TO HAVE ANY PORTION OF SUCH A DISTRIBUTION PAID DIRECTLY TO AN ELIGIBLE RETIREMENT PLAN. A PORTION OF A DISTRIBUTION SHALL NOT FAIL TO BE AN ELIGIBLE ROLLOVER DISTRIBUTION MERELY BECAUSE THE PORTION CONSISTS OF AFTER-TAX EMPLOYEE CONTRIBUTIONS WHICH ARE NOT INCLUDABLE IN GROSS INCOME. HOWEVER, SUCH PORTION MAY BE TRANSFERRED ONLY TO AN INDIVIDUAL RETIREMENT ACCOUNT OR ANNUITY DESCRIBED IN §408(A) OR (B) OF THE CODE, OR TO A QUALIFIED DEFINED CONTRIBUTION PLAN DESCRIBED IN §401(A) OR 403(A) OF THE CODE THAT AGREES TO SEPARATELY ACCOUNT FOR AMOUNTS SO TRANSFERRED, INCLUDING SEPARATELY ACCOUNTING FOR THE PORTION OF SUCH DISTRIBUTION WHICH IS INCLUDABLE IN GROSS INCOME AND THE PORTION OF SUCH DISTRIBUTION WHICH IS NOT SO INCLUDABLE. THE PLAN SHALL NOT ACCEPT A ROLLOVER OF AFTER-TAX EMPLOYEE CONTRIBUTIONS UNLESS SPECIFICALLY ELECTED IN THE ADOPTION AGREEMENT OR A SUPPLEMENT THERETO.

2. ELIGIBLE RETIREMENT PLAN. AN ELIGIBLE RETIREMENT PLAN IS AN INDIVIDUAL RETIREMENT ACCOUNT DESCRIBED IN §408(A) OF THE CODE, AN INDIVIDUAL RETIREMENT ANNUITY DESCRIBED IN §408(B) OF THE CODE, AN ANNUITY PLAN DESCRIBED IN §403(A) OF THE CODE, OR A QUALIFIED TRUST DESCRIBED IN §401(A) OF THE CODE, THAT ACCEPTS THE DISTRIBUTEES' ELIGIBLE ROLLOVER DISTRIBUTION. HOWEVER, IN THE CASE OF AN ELIGIBLE ROLLOVER DISTRIBUTION TO THE SURVIVING SPOUSE, AN ELIGIBLE RETIREMENT PLAN IS AN INDIVIDUAL RETIREMENT ACCOUNT OR INDIVIDUAL RETIREMENT ANNUITY.

3. DISTRIBUTEES. A DISTRIBUTEES INCLUDES AN EMPLOYEE OR FORMER EMPLOYEE. IN ADDITION, THE EMPLOYEE'S OR FORMER EMPLOYEE'S SURVIVING SPOUSE AND THE EMPLOYEE'S OR FORMER EMPLOYEE'S SPOUSE OR FORMER SPOUSE WHO IS THE ALTERNATE PAYEE UNDER A QUALIFIED DOMESTIC RELATIONS ORDER, AS DEFINED IN §414(P) OF THE CODE, ARE DISTRIBUTEES WITH REGARD TO THE INTEREST OF THE SPOUSE OR FORMER SPOUSE.

4. DIRECT ROLLOVER. A DIRECT ROLLOVER IS A PAYMENT BY THE PLAN TO THE ELIGIBLE RETIREMENT PLAN SPECIFIED BY THE DISTRIBUTEES.

(F) Spendthrift Provisions:

(1) General Rule: Except as otherwise provided in this Chapter, all amounts payable pursuant to this Chapter by the Trustee shall be paid only to the person or persons entitled thereto, and all such payments shall be paid directly into the hands of such person or persons and not into the hands of any other person or corporation whatsoever, and such payments shall not be liable for the debts, contracts or engagements of any such person or persons, or taken in execution by attachment or garnishment or by any other legal or equitable proceedings; nor shall any such person or persons have any right to alienate, anticipate, commute, pledge, encumber or assign any such payments or the benefits, proceeds or avails thereof; ~~provided, that nothing in this Chapter shall affect, restrict or abridge any right of setoff or lien which the City may have by law, preclude a Participant from pledging as security a part or all of his interest in the Trust Fund to the Westminster Federal Credit Union, to the extent permitted by law, or affect, restrict or abridge any right of set off, lien or collateral which such Credit Union or the City itself may have against such Participant's interest in the Trust Fund.~~

(G) Manner of Distribution: A Participant's interest may be distributed by one or more of the following methods:

(1) Lump Sum Distribution: The Participant's interest may be paid to the Participant or his Beneficiary by the distribution of the total balance of his account in one lump sum. The Participant, or his Beneficiary in the event of the Participant's death, shall have the right to have the distribution made in a lump sum by filing a written election with the trustee within such time as the Board shall prescribe.

(2) Installments: The Participant's interest may be paid to the Participant or his Beneficiary in substantially equal periodic installments over a period of time not to exceed ~~twenty (20) years~~ THE JOINT LIFE EXPECTANCY OF THE PARTICIPANT AND HIS BENEFICIARY (OR UNTIL THE ACCOUNT IS EXHAUSTED) and not in installment frequency greater than monthly. THIS MAXIMUM PERIOD SHALL BE DETERMINED UNDER THE APPLICABLE IRS TABLES AT THE TIME THE INITIAL MONTHLY INSTALLMENT PAYMENT BECOMES PAYABLE. The Participant, or his Beneficiary in the event of the Participant's death, shall have the right to have the distribution made in this manner by filing a written elective with the trustee within such time as the Board shall prescribe. In no instance shall any changes in this type of distribution be allowed more than once every six months.

(3) Other Methods: Notwithstanding the foregoing provisions, any interest which has become distributable for any reason, may be distributed at such time or times, in such amount or amounts, and in such manner, as the Board and the recipient of such distribution may mutually determine, including a transfer to another qualified plan or individual retirement account.

~~(4) If the Participant or Beneficiary fails to notify the trustee or Board of the manner of distribution preferred by the date distribution would otherwise commence, the Participant's interest shall be distributed in substantially equal monthly installments over twenty (20) years, unless the participant's account balance meets the minimum automatic distribution amount allowed by the Internal Revenue Service Regulations.~~

(H) Limitation on Duration of Payments: No distribution shall be made over a period exceeding ~~twenty (20) years~~ THE JOINT LIFE EXPECTANCY OF THE PARTICIPANT AND HIS BENEFICIARY. To the extent distribution is made after the Participant attains the age of seventy and one-half (70 1/2), if not paid in a lump sum, the distribution must be made in substantially equal periodic installments at least annually over the period prescribed in this subsection subject to a once yearly change that may accelerate payment at the election of the Participant or Beneficiary. The present value of the benefits payable solely to the Participant under any elected method must exceed fifty percent (50%) of the total benefits payable to the Participant and his Beneficiaries, unless distribution is in the form of a qualified joint and survivor annuity.

(J) Special Rules for Distributions after the Participant's Death:

(4) RMSA DISTRIBUTIONS AFTER DEATH:

(a) SHOULD A PARTICIPANT WITH A BALANCE IN THE RETIREMENT MEDICAL SAVINGS ACCOUNT (RMSA) DIE PRIOR TO EXHAUSTING THE BALANCE IN THE RMSA, THE ACCOUNT MAY BE USED FOR THE BENEFIT OF THE PARTICIPANT'S SPOUSE AND DEPENDENTS UNDER THE TERMS OF SECTION 14-2-7(C)(4).

(b) SHOULD A PARTICIPANT WITH A BALANCE IN THE RETIREMENT MEDICAL SAVINGS ACCOUNT DIE PRIOR TO EXHAUSTING THE BALANCE IN THE RMSA AND WITHOUT A SPOUSE OR DEPENDENT, THE PARTICIPANT'S DESIGNATED BENEFICIARY, IF ANY NAMED, SHALL BE ELIGIBLE TO RECEIVE THE REMAINING BENEFITS.

Section 19. Section 14-2-9, subsections (B)(3) and (H), W.M.C., are hereby AMENDED to read as follows:

14-2-9: GENERAL EMPLOYEE PENSION BOARD:

(B) Duties and Powers of the Board: The Board shall be charged with the administration of this Plan and shall decide all questions arising in the administration, interpretation and application of the Plan, including all questions relating to eligibility, vesting and distribution. The decisions of the Board shall be conclusive and binding on all parties.

(3) If the Trustee enters into a contract at the direction of the Board which permits the right of Participants to direct the investment of their interest in the Trust Fund in forms of investment offered, the Board shall provide the opportunity to Participants to make options as to investment. THE BOARD SHALL ADOPT VARIOUS INVESTMENT OPTIONS FOR THE INVESTMENT OF CONTRIBUTIONS BY THE PARTICIPANT AND SHALL MONITOR AND EVALUATE THE APPROPRIATENESS OF THE INVESTMENT OPTIONS OFFERED BY THE PLAN. THE BOARD MAY REMOVE OR PHASE OUT AN INVESTMENT OPTION IF THE INVESTMENT OPTION HAS FAILED TO MEET THE ESTABLISHED EVALUATION CRITERIA OR FOR OTHER GOOD CAUSE AS DETERMINED BY THE BOARD. ~~Unless the Board shall otherwise determine, any such investment direction may be changed by a Participant only at the end of a calendar quarter.~~ Neither the Trustee, nor the Board, THE PLAN ADMINISTRATOR NOR THE CITY shall be held liable for any losses or changes to a Participant's interest that result from that Participant's choice of investment option.

(H) Resignation and Removal of Members; Appointment of Successors:

(6) A MEMBER OF THE BOARD MAY BE REMOVED FROM THE BOARD IN THE MANNER DEFINED IN SECTION II(F) OF THE CITY OF WESTMINSTER POLICE AND GENERAL EMPLOYEE PENSION PLAN BY-LAWS.

Section 20. Section 14-2-10, subsection (A)(2)(c), W.M.C., is hereby AMENDED to read as follows:

14-2-10: POWERS AND DUTIES OF THE TRUSTEE:

(A) Investment of Trust Fund:

(2) The Trustee shall have the power to invest and/or reinvest any and all money or property of any description at any time held by it and constituting a part of the Trust Fund without previous application to, or subsequent ratification of, the City Council, the City Manager, any court, tribunal or commission, or any Federal or State governmental agency, in accordance with the following powers:

(c) If directed by the Board, the Trustee shall enter into contracts as investment vehicles for the plan, which contracts shall then become a part of this plan. The Trustee shall then be authorized to sign such other documents and take such other actions as might be necessary or appropriate to carry out the terms of such contracts. The Trustee may enter into such contracts as Trustee of this Plan alone, or as Trustee of this Plan and as Trustee of the City's Police ~~and/OR Fire~~ Pension Plan in which case the funds of the two ~~OR MORE~~ plans may be co-mingled for investment purposes.

Section 21. Section 14-2-12, subsection (B), W.M.C., is hereby AMENDED to read as follows:

14-2-12: MISCELLANEOUS

(B) Notices from Participants to be Filed with ~~Board~~ PLAN ADMINISTRATOR: Whenever provision is made that a Participant may exercise any option or election or designate any Beneficiary, the action of each participant shall be evidenced by a written notice therefore signed by the Participant on a form furnished by the ~~Board~~ PLAN ADMINISTRATOR for such purpose and filed with the ~~Board~~ PLAN ADMINISTRATOR, which shall not be effective until received by the ~~Board~~ PLAN ADMINISTRATOR.

Section 22. This ordinance shall take effect upon its passage after second reading.

Section 23. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 9th day of October, 2006.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 23rd day of October, 2006.

Mayor

ATTEST:

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney's Office



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 9, 2006



SUBJECT: Resolution No. 57 re Fiscal Policies – Utility Reserves

Prepared By: Jim Arndt, P.E., Director Public Works and Utilities

Recommended City Council Action

Adopt Resolution No. 57 that establishes certain Utility Reserve Fund policies in regard to an Operating Reserve, a Rate Stabilization Reserve and a Capital Project Reserve, together with target and minimum/maximum funding levels, and authorize the use of \$3,746,016 contingency of the 2006 Reserve Fund to establish the 2007 Operating Reserve.

Summary Statement

- The City Council has recently adopted revised tap fees and utility rate fees as a result of their review of the City's utility infrastructure needs.
- At their September 12, 2006 Study Session, City Council reviewed the practice and reasoning for establishing Utility Reserve Fund policies.
- Council directed staff to bring back a Resolution establishing Reserve policies for Operating, Rate Stabilization, and Capital Project Reserves for the City's Water and Wastewater Utility Fund.
- These policies are based on the City's Strategic Plan goals of a financially sound City government, safe and secure community, and vibrant neighborhoods and commercial areas.
- There is adequate contingency available from 2006 Utility Reserves to fund the 2007 Operating Reserve.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Should the City establish Operating, Rate Stabilization, and Capital Project Reserve policies for the City’s Water and Wastewater Utility Fund?

Alternative

The City could continue to operate reserves without policies as to their size or use. By adopting the staff recommendation, future rate and tap fee revenue will be directed to specific reserves to ensure adequate resources for utility operations and replacement of aging infrastructure. With the adoption of the recommendations, the Operating and Rate Stabilization Reserves will buffer utility rates from impacts of an adverse revenue year, and the Capital Project Reserve will provide for replacement of aging infrastructure.

Background Information

In 2005, the City of Westminster hired Financial Consulting Solutions Group, Inc. (FCS) to assist in reviewing the City’s utilities fees, tap fees, infrastructure replacement needs, and reserve practices. Based on the FCS’s analyses, Council has previously adopted revised tap fees (beginning in October, 2006) and utility rates (effective in January 2007 and January 2008).

At their September 12, 2006, Study Session, the City Council reviewed the practice and reasoning for establishing Utility Reserves, specifically an Operating Reserve (OR), a Rate Stabilization Reserve (RSR), and a Capital Project Reserve (CPR). At that time, Council reviewed Staff’s recommendations for target funding levels and minimum/maximum levels for these reserves. Council directed staff to bring back a Resolution establishing Reserve policies consistent with these recommendations.

Operating (Working Capital) Reserves (OR)

The Operating Reserve is a minimum unrestricted fund balance needed to accommodate the short-term cycles of revenues and expenses. Operating reserves provide a “cushion” that can be used to cover cash balance fluctuations.

Target funding levels are often characterized in terms of a recommended number of days of cash operating expense, with the minimum number of days varying with the expected risk of unanticipated needs. These are likely to vary among the utilities based on the relative volatility of revenues and expenses.

Water utilities that recover a significant portion of their costs through volume charges exhibit greater seasonality in their revenue collection and a greater degree of revenue risk. Given that the expenses of a water utility are largely fixed, Operating Reserves may be used to cover deficits in the winter months (when lower demand results in lower revenues) until surpluses can be accumulated in the summer months (when higher demand results in higher revenues). Target operation balances of 45 – 60 days (12 – 16 percent) of operating expenses are common.

Sewer utilities rely to a far lesser extent on volumes, and specifically exclude the most volatile irrigation volumes from their rate basis. Therefore, sewer utilities do not require as much of a cushion – typically, Operating Reserves on the order of 30 – 45 days (8 – 12 percent) of operating expenses are appropriate.

The Operating Reserve Policy calls for funding this Reserve in an amount equal to 45 days of water operating expenses plus 30 days of wastewater operating expenses and is attached to the accompanying Resolution.

Rate Stabilization Reserves (RSR)

Conceptually, this reserve is simple: deposit money in good years to have available to offset losses in bad years. The Rate Stabilization Reserve is based on the potential revenue risk during a severe water year, such as a drought with restrictions in place usually structured so that the use of this reserve also helps to meet bond covenants.

Typically a Rate Stabilization Reserve is established and funded to meet a specific risk such as revenue loss related to a certain level of demand curtailment. This reserve can be 10 – 25% of annual rate revenues. The reserve is established with specific rules regarding contributions, withdrawals and replenishments. Those rules are generally constructed to minimize or mitigate rate impacts. Impacts to the rate stabilization reserves are determined by the annual performance of rates versus the budgeted rate revenue.

Revenues less than budgeted rate revenues will reduce the RSR and revenue greater will increase the RSR. The Rate Stabilization Reserve target will also generally increase annually, with increasing budgeted revenues. The budget and rate forecast will identify contributions to the RSR to reflect increases to the target level over time.

In general, normal year budgeting should lead to a relative long-term balance of surpluses and shortfalls. If predictable, there would be no need for a rate response to replenish the reserve, since a surplus would ultimately occur and provide a funding source. However, the risk of multiple-year deficits necessarily leads to consideration of rate response when shortfalls occur below established levels.

When funds are used from the Rate Stabilization Reserve, the magnitude of the withdrawal will influence the timing and extent of response.

The Rate Stabilization Reserve policy establishes a target as a combination of 25% of rate revenues for water and 5% of rate revenues for wastewater. Rate adjustments and time to replenish the target would occur anytime that the Rate Stabilization Reserve falls below 80% of the target. A surplus in the range of 40% over the target would be transferred to the Capital Project Reserve until the maximum Capital Project Reserve target is met. The RSR policy is attached to the accompanying Resolution.

Capital Project Reserves (CPR)

The Capital Improvement Reserve will assist the City in funding long-term utility capital requirements. A dominant factor in long-term needs is the escalating cost of system infrastructure replacement and rehabilitation. To ensure the sustainability of utility service, the City will fund an annual provision for system repair and replacement (R&R) as part of the utility user fees, with additional sources of funding including new debt and tap fees.

Given that repair and replacement is not currently 100% funded in the rate structure, the City has begun a transition strategy to implement this policy. A phasing program consistent with the rate setting philosophy endorsed by Council has been developed to reach intended level of repair and replacement funding by 2015. Concurrent with this funding strategy, tap fees will be considered as a source of funding toward this target level to the extent that they are not used for debt service. Over time, debt service will become a rate burden, with less reliable tap fee revenues designated directly for capital funding. Rates will then supplement tap fees to attain the target funding level for the Capital Project Reserve.

The funding strategy for long-term capital needs will provide a steady source of funding. However, while capital expenditures may vary both in the near and long-term, the City's Capital Project Reserve may accumulate funds in excess of near-term needs. This policy is intended to foster timely system reinvestment, while providing resources for periodic increases in outlays without undue rate burden. A maximum accumulation of capital funds is recommended at three years of adopted 5-year CIP, as determined by the current annual average of the CIP, times three. Should such maximum be reached, annual funding would be appropriately reduced until capital reserves fall below this threshold.

The Capital Project Reserve policy calls for establishing the maximum fund level to be three years of CIP expenditures, and the minimum being \$5,000,000. If the CPR falls below the minimum, rate increases, or reducing the CIP shall be required. If the balance exceeds the maximum, annual funding would be reduced. The CPR policy is attached to the accompanying Resolution.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **57**

INTRODUCED BY COUNCILLORS

SERIES OF 2006

ADOPTION OF FISCAL POLICIES FOR UTILITY FUND RESERVES

WHEREAS, City Council authorized preparation of fiscal policies regarding establishing certain Utility Reserves, target funding levels, and minimum/maximum levels of appropriate reserve funds (Operating Reserve, Rate Stabilization Reserve, and Capital Project Reserve); and

WHEREAS, fiscal policies regarding target funding levels, and minimum/maximum levels of appropriate Utility Reserve Funds (Operating Reserve, Rate Stabilization Reserve, and Capital Project Reserve) will establish funding levels and methods of transfer between reserves, and replenishing reserves; and

WHEREAS, the current Utility Reserve Fund has \$9,544,850 of contingency available; and

WHEREAS, City Council recognizes the importance of the adoption of fiscal policies regarding Utility Reserves, including target funding levels, and minimum/maximum levels of appropriate reserve funds (Operating Reserve, Rate Stabilization Reserve, and Capital Project Reserve);

NOW, THEREFORE, be it resolved by the City Council of the City of Westminster that City Council hereby adopts the attached fiscal policies regarding the establishment of certain Utility Reserves, target funding levels, and minimum/maximum levels of appropriate reserve funds (Operating Reserve, Rate Stabilization Reserve, and Capital Project Reserve), which are incorporated herein by this reference.

PASSED AND ADOPTED this 9th day of October, 2006.

ATTEST:

Mayor

City Clerk

OPERATING RESERVE POLICY

The Operating Reserve shall be funded in an amount equal to the combination of 45 days of water operating expenses and 30 days of wastewater operating expenses. This amount shall be computed using the amount of budgeted funds for water and wastewater operating expenses in the ensuing year of operation.

RATE STABILIZATION RESERVE POLICY

The target amount of the Rate Stabilization Reserve (the "Target RSR") in any given year shall be equal to 25% of the budgeted water rate revenues and 5% of the budgeted wastewater revenues for that year.

On or before July 1 of each year, actual water and wastewater revenues received shall be compared against budgeted rate revenues for the previous budget year. Any rate revenues that were received above the amount of budgeted rate revenues shall be added to the Rate Stabilization Reserve, and any shortfalls in rate revenues compared to the amount of budgeted rate revenues shall be deducted from the RSR. If, in any year, the actual RSR balance as adjusted by the addition of rate revenues to, or deduction of rate revenues from, the RSR, pursuant to the foregoing sentence, exceeds the Target by 40%, an amount equal to such excess rate revenue shall be transferred to the Capital Project Reserve, and if the actual RSR balance, as adjusted, is below the Target RSR by 20% or more, revenue rate and/or expenditure adjustments shall be implemented over a reasonable time period to be determined by Council to increase the RSR to the Target RSR for the following and subsequent years.

CAPITAL PROJECT RESERVE POLICY

The Capital Project Reserve minimum shall be \$5,000,000. The Capital Project Reserve maximum shall be three years of adopted CIP expenditures, as determined by the annual average of the adopted five year CIP, times three.

If the Capital Project Reserve balance falls below the minimum, rate increases and/or reducing the CIP shall be required. If the balance exceeds the maximum, funding of the Capital Project Reserve shall be reduced until the Capital Project Reserve falls below the maximum, which may include rate reductions.

Funding for the Capital Project Reserve may include contributions/deductions from rates, tap fees, working capital carryover, interest, miscellaneous revenue, capital project refunds, and Rate Stabilization Reserve transfers.

RESOLUTION

RESOLUTION NO. **57**

INTRODUCED BY COUNCILLORS

SERIES OF 2006

ADOPTION OF FISCAL POLICIES FOR UTILITY FUND RESERVES

WHEREAS, City Council authorized preparation of fiscal policies regarding establishing certain Utility Reserves, target funding levels, and minimum/maximum levels of appropriate reserve funds (Operating Reserve, Rate Stabilization Reserve, and Capital Project Reserve); and

WHEREAS, fiscal policies regarding target funding levels, and minimum/maximum levels of appropriate Utility Reserve Funds (Operating Reserve, Rate Stabilization Reserve, and Capital Project Reserve) will establish funding levels and methods of transfer between reserves, and replenishing reserves; and

WHEREAS, the current Utility Reserve Fund has \$9,544,850 of contingency available; and

WHEREAS, City Council recognizes the importance of the adoption of fiscal policies regarding Utility Reserves, including target funding levels, and minimum/maximum levels of appropriate reserve funds (Operating Reserve, Rate Stabilization Reserve, and Capital Project Reserve);

NOW, THEREFORE, be it resolved by the City Council of the City of Westminster that City Council hereby adopts the attached fiscal policies regarding the establishment of certain Utility Reserves, target funding levels, and minimum/maximum levels of appropriate reserve funds (Operating Reserve, Rate Stabilization Reserve, and Capital Project Reserve), which are incorporated herein by this reference.

AND, be it resolved that the Westminster City Council authorizes \$3,746,016 of Contingency in the Utility Reserve Fund be moved to the Transfers to Water (\$2,969,092) and Transfers to Wastewater (\$776,924) accounts in the Utility Reserve Fund as necessary to formally establish the Fiscal Reserve Policy Operating Reserves.

PASSED AND ADOPTED this 9th day of October, 2006.

ATTEST:

Mayor

City Clerk

OPERATING RESERVE POLICY

The Operating Reserve shall be funded in an amount equal to the combination of 45 days of water operating expenses and 30 days of wastewater operating expenses. This amount shall be computed using the amount of budgeted funds for water and wastewater operating expenses in the ensuing year of operation.

RATE STABILIZATION RESERVE POLICY

The target amount of the Rate Stabilization Reserve (the "Target RSR") in any given year shall be equal to 25% of the budgeted water rate revenues and 5% of the budgeted wastewater revenues for that year.

On or before July 1 of each year, actual water and wastewater revenues received shall be compared against budgeted rate revenues for the previous budget year. Any rate revenues that were received above the amount of budgeted rate revenues shall be added to the Rate Stabilization Reserve, and any shortfalls in rate revenues compared to the amount of budgeted rate revenues shall be deducted from the RSR. If, in any year, the actual RSR balance as adjusted by the addition of rate revenues to, or deduction of rate revenues from, the RSR, pursuant to the foregoing sentence, exceeds the Target by 40%, an amount equal to such excess rate revenue shall be transferred to the Capital Project Reserve, and if the actual RSR balance, as adjusted, is below the Target RSR by 20% or more, revenue rate and/or expenditure adjustments shall be implemented over a reasonable time period to be determined by Council to increase the RSR to the Target RSR for the following and subsequent years.

CAPITAL PROJECT RESERVE POLICY

The Capital Project Reserve minimum shall be \$5,000,000. The Capital Project Reserve maximum shall be three years of adopted CIP expenditures, as determined by the annual average of the adopted five year CIP, times three.

If the Capital Project Reserve balance falls below the minimum, rate increases and/or reducing the CIP shall be required. If the balance exceeds the maximum, funding of the Capital Project Reserve shall be reduced until the Capital Project Reserve falls below the maximum, which may include rate reductions.

Funding for the Capital Project Reserve may include contributions/deductions from rates, tap fees, working capital carryover, interest, miscellaneous revenue, capital project refunds, and Rate Stabilization Reserve transfers.

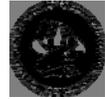


Agenda Item 10 N

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 9, 2006



SUBJECT: Stipulation and Plan re Exclusion of Properties from North Metro Fire Rescue District

Prepared by: Tami Cannon, Paralegal

Recommended City Council Action

Approve the Stipulation and Plan for exclusion of recently annexed territory from the North Metro Fire Rescue District.

Summary Statement

- The City has been negotiating with the District regarding the exclusion of recently annexed properties from the District. The District considered the Stipulation on first reading on October 3 and is scheduled to adopt the Stipulation following second reading on October 17.
- This Stipulation (copy attached) will allow the City to proceed in an uncontested manner in Adams County District Court for the purpose of obtaining an Order excluding the six (6) recently annexed parcels of property covered under the Stipulation. All of the parcels are within Jefferson County.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Whether to approve the Stipulation agreeing to provide fire protection services to properties recently annexed to the City and proposed to be excluded from the District.

Alternative

Do not approve the Stipulation and Plan for exclusion of properties from the North Metro Fire Rescue District. This is not recommended, since it would result in double taxation and duplicative fire protection services to the properties.

Background Information

The important components of the Stipulation are as follows: (1) An agreement that the quality of fire protection service to be provided by the City will be comparable and not inferior to the fire protection service now provided by the District; (2) Existing indebtedness of the District for which the excluded properties would remain liable; (3) An agreement that the District shall have the right to levy a mill levy not to exceed 0.5 mill against the excluded properties for five consecutive years for the District's Volunteer Firemen's Pension Fund; and (4) Transfer of fire protection service responsibilities to be effective January 1, 2007. Vicinity maps showing the areas to be excluded are also attached.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

- Stipulation and Plan for Exclusion
- Order for Exclusion
- Map of Family in Christ Annexation
- Map of DeCroce Annexation
- Map of Jaidinger Annexation
- Map of Camalick Annexation
- Map of Kalmar Annexation
- Map of Walnut Creek Open Space (former Jeffco Schools) Annexation

District Court, Adams County, Colorado Adams County Justice Center 1100 Judicial Center Drive Brighton, CO 80601 303-659-1161	▲ COURT USE ONLY ▲
<p>Petitioners:</p> <p>THE CITY OF WESTMINSTER, COLORADO, a home-rule City, and THE MAYOR AND CITY COUNCIL OF THE CITY OF WESTMINSTER</p> <p>Defendant:</p> <p>THE BOARD OF DIRECTORS OF THE NORTH METRO FIRE RESCUE DISTRICT, and All Taxpaying Electors of the NORTH METRO FIRE RESCUE DISTRICT, as a class.</p>	
City of Westminster Eugene Mei, #33442 Assistant City Attorney 4800 West 92 nd Avenue Westminster, CO 80031 Phone: 303-430-2400 Fax: 303-650-0158 E-mail: emei@ci.westminster.co.us	Case Number: 4825 Division: A Courtroom:
STIPULATION AND PLAN FOR EXCLUSION OF CERTAIN TERRITORY FROM THE NORTH METRO FIRE RESCUE DISTRICT	

COME NOW the parties hereto, by their respective counsel, and stipulate as follows:

PREAMBLE

1. This action is based upon the Petition of the City of Westminster pursuant to section 32-1-502, et seq., C.R.S., as amended, to exclude certain territory from the North Metro Fire Rescue District (hereinafter “District”) because that territory is located within the City of Westminster which also provides fire protection service. The territory sought to be excluded is described in Exhibit "A" attached hereto and incorporated herein by reference.

2. This Stipulation and Plan is submitted pursuant to and in satisfaction of the requirements of section 32-1-502(2)(c) which provides that as a condition to the exclusion of the property which is the subject of this petition, the governing body of the City and the board of directors of the District shall each submit a plan for the disposition of assets and continuation of services to all areas of the District, and that said plans shall include, if applicable, provisions for the maintenance and continuity of facilities to be utilized by the territories both within and without the municipal boundaries and of services to all territories served or previously served by the special district, and further, that if the City and the District agree upon a single plan and enter into a contract incorporating its provisions, the court shall review such contract, and if it finds the contract to be fair and equitable, the court shall approve the contract and incorporate its provisions into its exclusion order.

3. The City Council of the City of Westminster, as its governing body, has met, considered and approved all of the terms of this Stipulation and Plan.

4. The Board of Directors of the District, as its governing body, has met, considered and approved all of the terms of this Stipulation and Plan.

STIPULATION AND PLAN

5. All notice requirements of the statute and of the Colorado Rules of Civil Procedure have been fully, completely and properly complied with. No objection to the exclusion has been made by any taxpaying elector, individually or on behalf of the class designated Taxpaying Electors. The District and the City consent to the exclusion of the property described in Exhibit "A," subject to the provisions of this Stipulation and Plan.

6. The parties further stipulate that:

A. The City of Westminster has provided and is now providing comparable fire protection services that the District provided in or to the territory proposed for exclusion.

B. The governing body of the City of Westminster agrees, and has agreed, by resolution, to provide the service provided by the District to the area described in the exclusion petition effective immediately upon entry of the exclusion order regardless of its later effective date.

C. The quality of fire protection service to be provided by the City of Westminster will not be inferior to the fire protection service now provided by the District in the territory proposed for exclusion and described in the Petition for Exclusion.

D. No election has been held or is required to be held pursuant to subsection (5) of section 32-1-502, C.R.S., as amended, and it is stipulated that the quality of service including, but not limited to, the fire insurance costs for the improvements within the excluded area will not be adversely affected by this exclusion.

E. The District owns no facilities or assets located within the territory that is proposed for exclusion.

F. The District has a current outstanding bonded indebtedness of \$25,250,000.00.

7. Commencing the taxable year 2007, the District, for a period of five (5) years, shall have the right to assess and collect the proceeds of a mill levy of one-half (1/2) mill against the assessed value of the applicable excluded property, which proceeds shall be paid to and for the exclusive benefit of the District's Firemen's Pension Fund.

8. Pursuant to section 32-1-502, C.R.S., as amended, District and City agree to the following plan for disposition of assets and contribution of services to all areas of the District:

A. The District owns no real property or improvements within the territory described in the Petition for Exclusion and the City does not seek ownership of any such assets located in any other part of the District.

B. The City does not seek ownership of any firefighting equipment or other personal property now owned by the District and the Order of Exclusion may so state.

C. The City shall provide fire protection to the territory described in the Petition and shall continue to honor any mutual aid agreement with the District applicable to any District territory not excluded.

D. All other resources of the City Fire Department will be available to respond as the circumstances of any emergency or other situation may require.

E. City officers will also be responsible for safety inspections and other fire code enforcement within the territory described in the Petition.

F. Primary responsibility for fire protection in all territory of the District not proposed for exclusion shall remain with the District.

9. The City of Westminster shall assume fire protection service responsibility to the excluded area from the District effective January 1, 2007. Nothing in this Stipulation and Plan shall impair or negate the validity or effectiveness of any existing mutual aid agreement between the parties.

10. The District and its firefighters, including those residing in the excluded area, shall continue to have the right to operate District and personal vehicles and equipment as authorized emergency vehicles within said excluded area and the City of Westminster, for bona fide emergency purposes, as the District may deem necessary in fulfilling District obligations. Authorized emergency vehicles shall be those as defined by section 42-1-102, C.R.S., as amended, and shall include the right of District firefighters who reside in the excluded area to respond to emergency calls in personal vehicles and District vehicles which are operated as emergency vehicles.

11. Pursuant to section 32-1-503, C.R.S., as amended:

A. The change of boundaries of the District, which is accomplished by the Court Order, shall not impair nor affect its organizations, nor shall it affect, impair or discharge any contract, obligation, lien, or charge on which it might be liable or chargeable had such change of boundaries not been made.

B. For the taxable year 2007 and thereafter, the excluded property shall not be subject to any property tax levied by the District for operating costs.

C. For the purpose of retiring the District's outstanding indebtedness and the interest thereon existing at the effective date of the exclusion order, the applicable excluded territory shall be obligated only for that proportion of the District's outstanding indebtedness and the interest thereon existing immediately prior to January 1, 2007.

D. The excluded territory shall in no event become obligated for the payment of any bonded indebtedness created after the date of the Court's exclusion order.

12. This Court may, immediately upon presentation of this Stipulation and Plan, enter an Order consistent herewith excluding the territory described in Exhibit "A" from the District. The Order shall become effective, as provided by statute, on January 1, 2007. The form of the Order is attached hereto as Exhibit "B" and all of the terms of said Order are hereby incorporated by reference in this Stipulation and Plan.

13. The Court's Exclusion Order shall become effective January 1, 2007.

Respectfully submitted,

IRELAND, STAPLETON, PRYOR
& PASCOE, PC

CITY OF WESTMINSTER

By: _____
Dino Ross #20965
Attorney for Respondent
1675 Broadway, Suite 2600
Denver, CO 80202
303-623-2700

By: _____
Eugene Mei #33442
Attorney for Petitioners
4800 W. 92nd Avenue
Westminster, CO 80031
303-430-2400

APPROVED:

NORTH METRO FIRE
RESCUE DISTRICT

CITY OF WESTMINSTER, a
home-rule City

By _____
Richard O'Grady, President

By _____
Nancy McNally, Mayor

By _____
John J. O'Hayre, Chief

By _____
J. Brent McFall
City Manager

ATTEST:

ATTEST:

Richard M. Perse, II, Secretary

Linda Yeager, City Clerk

Exhibit A

Family in Christ Property:

A tract of land in the south half of Section 14, Township 2 South, Range 69 West of the Sixth Principal Meridian in the County of Jefferson in the State of Colorado more particularly described as follows:

Commencing at the monument at the center quarter corner of said section as described on the City of Westminster GIS Survey Plat as deposited in Book 29 at Page 37 of the Land Survey Plat Records of the County of Jefferson, from whence the monument at the south quarter corner of said section as described in said records bears S00°46'17"W, 2568.69 feet the bearing of which all bearings hereon are based; thence along the east line of the southwest quarter of said section S00°46'17"W, 296.05 feet; thence N89°49'34"E, 30.00 feet to a point on the east line of Wadsworth Boulevard, a point on the west line of that annexation recorded at Reception Number 78088769 of the records of the Jefferson County Clerk and Recorder, the point of beginning;

Thence along said west line S00°46'17"W, 321.03 feet to the northeast corner of the former Lange Property annexation recorded at Reception Number F1444645 of said records; thence along the north line of said annexation S89°46'42"W, 30.00 feet to a point on the east line of said southwest quarter; thence continuing along said north line S89°46'42"W, 698.38 feet to the northwest corner of said annexation, a point on the west line of north Yarrow Street; thence along said west line N00°26'45"E, 321.61 feet to a point on the west projection of the north line of 99th Place; thence along said north line N89°49'34"EM 70021 feet to the point of beginning.

Containing 234,316 square feet or 5.3792 acres more or less.

DeCroce Property:

A portion of Tract 61 of Mandalay Gardens Subdivision, located in the northwest ¼, Section 14, Township 2 South, Range 69 West of the 6th P.M., County of Jefferson, State of Colorado, more particularly described as follows:

Beginning at the southwest corner of said Tract 61, which point also lies on the northerly right-of-way of West 101st Avenue; thence N01°08'07"E, 97.65 feet to the southerly right-of-way of 101st/100th Avenue extension; thence S70°55'27"E, along the southerly right-of-way of 101st/100th Avenue extension 198.07 feet to the intersection of the westerly right-of-way of West 101st Avenue; thence S02°18'08"W, along the right-of-way of West 101st Avenue 30.85 feet; thence S89°21'57"W, continuing along what is now the northerly right-of-way of West 101st Avenue 187.90 feet to the point of beginning.

Jaidinger Property:

Beginning at the southwest corner of the southeast one quarter of the southwest one quarter of Section 11, Township 2 South, Range 69 West of the 6th P.M., thence N00°45'12"E a distance of 897.29 feet, thence N89°45'32"W a distance of 20.00 feet to the point of beginning;

Thence N00°45'12"E a distance of 392.23 feet;
Thence N89°52'02"W a distance of 635.25 feet
Along the south line of 106th Avenue;
Thence S00°56'05"W a distance of 631.06 feet
Along the east line of Balsam Street;
Thence S89°45'29"E a distance of 417.24 feet;
Thence N00°45'04"E a distance of 240.01 feet;
Thence S89°45'32"E a distance of 220.01 feet
To the point of beginning, containing 8.01 acres, more or less.

Camalick Open Space:

A parcel of land situated in portions of the southwest quarter of Section 11 and the northwest quarter of Section 14, Township 2 South, Range 69 West of the Sixth Principal Meridian, City of Westminster, County of Jefferson, State of Colorado, being more particularly described as follows;

Beginning at the northwest corner of Parcel 2, as shown in the Mandalay Gardens Exemption Survey Number 3, recorded at Book 108, Page 10, at Reception No. 92015695 in the records of said Jefferson County;

Thence south along the west line of said parcel to the northwest corner of Parcel 3, said Mandalay Gardens Exemption No. 3;

Thence southerly on the west line of Parcel 3 and its extension thereof to the southerly right-of-way line of Barber Drive;

Thence northeasterly along the south right-of-way line of said Barber Drive to the most northerly corner of Tract 67C., Mandalay Gardens, as recorded in Book 5, Page 36 in the records of said County;

Thence southeasterly along the northeasterly line of said Tract 67C and its extension thereof to the southeasterly right-of-way line of the Burlington Northern Railroad;

Thence northeasterly along said southeasterly right-of-way to the most westerly corner of the Bott annexation map;

Thence northeasterly along the northwesterly line of said Bott annexation map, said line also being the southeasterly right-of-way of the Colorado and Southern Railroad to a point on a curve, said point being the most northerly line of said Bott annexation map;

Thence southeasterly along said curve to a point on the westerly right-of-way of 105th Avenue;

Thence northeasterly along said westerly right-of-way line of 105th Avenue, said line being shown on the Bott annexation map and the annexation map for Woods third annexation to the City of Westminster to the south line of the southeast quarter of said Section 11;

Thence southwesterly along the south line of said southeast quarter to the south quarter corner of said Section 11;

Thence northerly along the west line of said southeast quarter to a point on the northerly right-of-way of the Burlington Northern Railroad;

Thence southwesterly along said northwesterly right-of-way to the northeasterly right-of-way of Old Wadsworth, shown as Standley Avenue on the map of Mandalay Gardens;

Thence southeasterly along said northeasterly right-of-way line to the southeasterly right-of-way of the Burlington Northern Railroad;

Thence southwesterly along said southeasterly right-of-way line to the southwesterly right-of-way of said Old Wadsworth;

Thence northwesterly along said southwesterly right-of-way to the northwesterly right-of-way of Zephyr Street as shown on Mandalay Gardens Exemption Survey No. 3;

Thence southwesterly along said northwesterly right-of-way to the north line of the aforementioned Parcel 3 of Mandalay Gardens Exemption Survey No. 3;

Thence westerly along said north line to the southeasterly corner of the aforementioned Parcel 2 Mandalay Gardens Exemption Survey No. 3;

Thence northerly along the east line of said Parcel 2 to the northeast corner of said Parcel 2;

Thence westerly along the north line of said Parcel 2 to the point of beginning.

Kalmar Property:

A parcel of land located in the northeast one-quarter of Section 23, Township 2 South, Range 69 West, of the 6th Principal Meridian, City of Westminster, County of Jefferson, State of Colorado being a part of Lots 23 and 24 of Greenlawn Acres and Reservoir as recorded in the office of Jefferson County Clerk and Recorder, in Plat Book 2 at Page 77, and being more particularly described as follows:

Commencing at the north one-quarter corner of said Section 23; thence N89°15'00"E along the north line of said Section 23 a distance of 1,309.51 feet to the northeast corner of said Lot 24; thence S00°22'40"E along the east line of said Lot 24 a distance of 30.00 feet; thence S89°15'00"W and parallel with the north line of said Lot 24 a distance of 10.00 feet; thence S00°22'40"E and parallel with the east line of said Lot 24 a distance of 217.37 feet, to the true point of beginning; thence S89°15'00"W and parallel with the north line of said Lot 24 a distance of 200.00 feet; thence S00°22'40"E and parallel with the east line of said Lot 24 a distance of 217.00 feet; thence N89°15'00"E and parallel with the north line of said Lot 24 a distance of 200.00 feet; thence N00°22'40"W and parallel with the east line of said Lot 24 a distance of 217.00 feet to the true point of beginning, containing an area of 43,399 square feet or 0.996 acres, more or less.

Walnut Creek Open Space (former Jeffco Schools):

A tract of land to be annexed to the City of Westminster, Lot 29, Block 3 of the Walnut Creek Development, Unit One as recorded at Reception Number 70362747 of the records of Jefferson County Clerk and Recorder and a part of the south half of the southeast quarter of Section 8, Township 2 South, Range 69 west of the Sixth Principal Meridian in the County of Jefferson, State of Colorado more particularly described as follows,

Commencing at the east quarter corner of said section a monument as described in the City of Westminster GIS survey plat; thence along the east line of said quarter the bearing of which all bearings hereon are based, S00°11'43"E, 1322.43 feet; thence N89°45'44"W, 953.29 feet to the point of beginning, a point on the northerly line of that annexation to the City of Westminster as recorded at Reception Number 49967 on June 23, 1978 of said records;

Thence along said northerly line S16°39'39"W 761.85 feet to a point on the north line of the Church Ditch; thence continuing along said lines N62°42'21"W 313.89 feet; thence continuing along said lines N28°25'54"E 208.16 feet; thence continuing along said lines N20°34'55"W 264.39 feet; thence continuing along said lines N49°55'00"W 245.66 feet to a point on the south line of said Walnut Creek development, Unit One; thence along the north line of said ditch N49°27'29"W 33.13 feet; thence along the east line of Lot 12, Block 6 of said development N04°59'11"E 181.25 feet to a point on a non-tangent curve to the left on the easterly line of Union Way as shown on said development; thence said easterly line along said curve with a central angle of 68°59'56", a radius of 200.00 feet, an arc length 240.85 feet, the long chord bears N60°29'09"E, 226.56 feet; thence along said easterly line N25°59'11"E 100.00 feet to a point of curve left; thence along said curve with a central angle of 20°00'00", a radius of 953.29 feet, an arc length 186.75 feet, long chord bears N15°59'11"E, 185.80 feet; to the southwest corner of Lot 28, Block 3 of said development; thence along the south line of said Lot 8 S84°00'49"E 123.61 feet to the southwest corner of Lot 8 of said Block 3; thence along the south line of said Lot 8 S80°52'59"E 115.06 feet; thence along said south line N51°52'57"E 30.30 feet to a point on a non-tangent curve left on the west line of West 106th Place; thence along said curve with a central angle of 17°23'02", a radius of 50.00 feet, arc length 15.17 feet, long chord bears S46°48'34"E, 15.11 feet; thence along the east line of said Block 3 and the following 7 courses; 1) S34°29'55"W 42.09 feet; 2) S22°42'27"E 250.46 feet; 3) S62°56'04"E 137.26 feet to a point on the west line Tabor Court; 4) S16°9'39"W 15.00 feet along the west line of said Court; 5) N62°56'04"W 122.54 feet; 6) S16°39'39"W 287.00 feet; 7) S89°45'44"E 125.67 feet to the point of beginning,

Containing 516,891 square feet or 11.8662 acres more or less.

District Court, Adams County, Colorado Adams County Justice Center 1100 Judicial Center Drive Brighton, CO 80601 303-659-1161	▲ COURT USE ONLY ▲
<p>Petitioners:</p> <p>THE CITY OF WESTMINSTER, COLORADO, a home-rule City, and THE MAYOR AND CITY COUNCIL OF THE CITY OF WESTMINSTER</p> <p>Defendant:</p> <p>THE BOARD OF DIRECTORS OF THE NORTH METRO FIRE RESCUE DISTRICT, and All Taxpaying Electors of the NORTH METRO FIRE RESCUE DISTRICT, as a class.</p>	
City of Westminster Eugene Mei, #33442 Assistant City Attorney 4800 West 92 nd Avenue Westminster, CO 80031 Phone: 303-430-2400 Fax: 303-650-0158 E-mail: emei@ci.westminster.co.us	Case Number: 4825 Division: A Courtroom:
ORDER FOR EXCLUSION OF CERTAIN TERRITORY FROM NORTH METRO FIRE RESCUE DISTRICT	

THIS MATTER comes before the Court this ____ day of _____, 2006, upon the Stipulation and Plan of the parties to this action for entry of an Order excluding certain territory from the North Metro Fire Rescue District, upon terms and conditions set forth in the Stipulation and Plan and hereinafter approved and adopted.

The parties appear by Eugene Mei, Assistant City Attorney, counsel of record for Petitioners, and Dino Ross, counsel for Respondents, the Board of Directors of the North Metro Fire Rescue District. No other parties or counsel have appeared in this action.

The Court, having reviewed the Stipulation, heard statements of counsel, and being fully advised of the facts and circumstances surrounding this action,

Exhibit "B"

DOTH ORDER, ADJUDGE AND DECREE:

1. The Stipulation and Plan for Exclusion of Certain Territory from the North Metro Fire Rescue District presented to the Court this date, which Stipulation and Plan was approved by counsel for both parties to the action and by the governing bodies of the City of Westminster, Colorado, and the North Metro Fire Rescue District, as evidenced by the signatures of the appropriate officers of each governing body, hereby finds that the Stipulation and Plan for Exclusion constitutes a contract which is fair and equitable. The provisions of said Stipulation and Plan are hereby approved and incorporated in the remaining paragraphs of this Order.

2. All notice requirements of the statute and of the Colorado Rules of Civil Procedure have been duly, completely and properly complied with. No objection to the exclusion has been made by any taxing elector, individually or on behalf of the class designated Taxpaying Electors.

3. The Court has jurisdiction of all necessary parties and of the subject matter of this action.

4. The Court finds:

A. The City of Westminster has provided and is now providing comparable fire protection services which the North Metro Fire Rescue District has provided in or to the territory proposed for exclusion.

B. The governing body of the City of Westminster agrees, and has agreed, by resolution, to provide the service provided by the North Metro Fire Rescue District to the area described in the exclusion petition effective immediately upon entry of the exclusion order regardless of its later effective date.

C. The quality of fire protection service to be provided by the City of Westminster will not be inferior to the fire protection service now provided by the North Metro Fire Rescue District in the territory proposed for exclusion and described in the Petition for Exclusion.

D. No election has been held or is required to be held pursuant to subsection (5) of section 32-1-502, C.R.S., as amended, and the quality of service including, but not limited to, the fire insurance costs for the improvements within the excluded area will not be adversely affected by this exclusion.

E. The District owns no facilities or assets located within the territory which is proposed for exclusion.

F. The District has a current outstanding bonded indebtedness of \$25,250,000.00.

G. The District owns no real property or improvements within the territory described in the Petition for Exclusion and the City does not seek ownership of any such assets located in any other part of the District.

H. The City does not seek ownership of any firefighting equipment or other personal property now owned by the District and the Order of Exclusion may so state.

I. The City shall provide fire protection to the territory described in the Petition and shall continue to honor any mutual aid agreement with the District applicable to any District territory not excluded.

J. City officers will also be responsible for safety inspections and other fire code enforcement within the territory described in the Petition.

K. Primary responsibility for fire protection in all territory of the District not proposed for exclusion shall remain with the District.

5. The Court orders:

A. The District shall have the right to levy, collect, and pay the proceeds of a mill levy not to exceed one-half (1/2) mill against the applicable excluded property to the District's Firemen's Pension Fund for five (5) consecutive years, commencing taxable year 2007.

B. The City of Westminster shall assume fire protection service responsibility to the excluded area from the District effective January 1, 2007.

Nothing in the Stipulation and Plan shall impair or negate the validity or effectiveness of any existing mutual aid agreement between the parties.

C. The North Metro Fire Rescue District and its firefighters, including those residing in the excluded area, shall continue to have the right to operate District and personal vehicles and equipment as authorized emergency vehicles within said excluded area and the City of Westminster, for bona fide emergency purposes, as the District may deem necessary in fulfilling District obligations.

Authorized emergency vehicles shall be those as defined by section 42-1-102, C.R.S., as amended, with privileges as provided by section 42-4-108, C.R.S., as amended, and shall include the right of District firefighters who reside in the excluded area to respond to emergency calls in personal vehicles and District vehicles which are operated as emergency vehicles.

D. The change of boundaries of the District, which is accomplished by this Court Order shall not impair nor affect its organization, nor shall it affect, impair or discharge any contract, obligation, lien or charge on which it might be liable or chargeable had such change of boundaries not been made.

E. For the taxable year 2007, and thereafter, the excluded property shall not be subject to any property tax levied by the District for operating costs.

F. For the purpose of retiring the District's outstanding indebtedness and the interest thereon existing on January 1, 2007, the applicable excluded property shall be subject only for that proportion of the District's outstanding indebtedness and the interest thereon existing immediately prior to January 1, 2007.

G. The excluded territory shall in no event become obligated for the payment of any bonded indebtedness created after the effective date of this Exclusion Order.

H. This Order shall become effective January 1, 2007.

DONE AND SIGNED in Open Court this _____ day of _____, 2006.

BY THE COURT:

District Court Judge

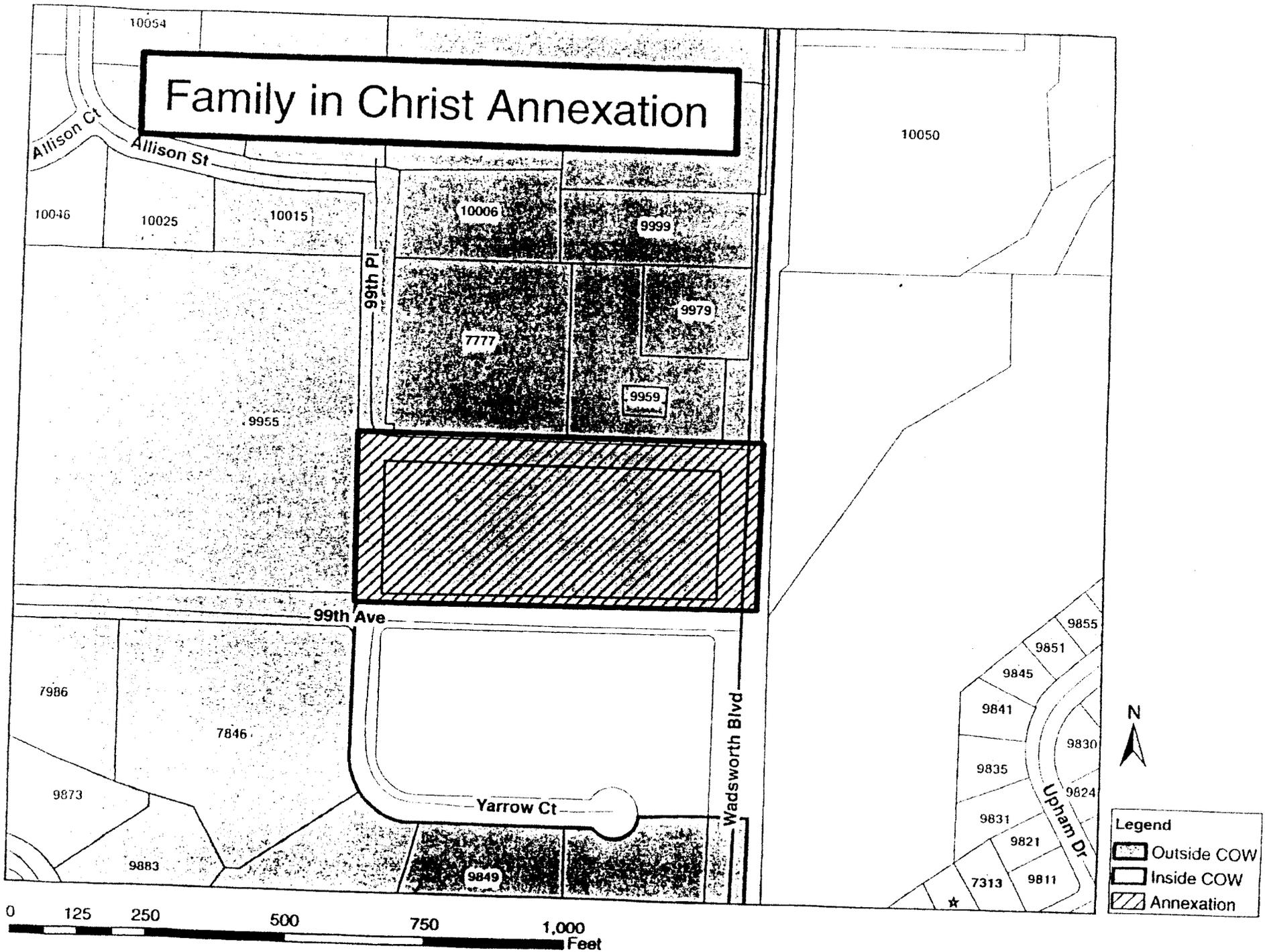
APPROVED AS TO FORM:

CITY OF WESTMINSTER

By _____
Eugene Mei #33442
City Attorney for Petitioners
4800 W. 92nd Avenue
Westminster, CO 80031
(303) 430-2400

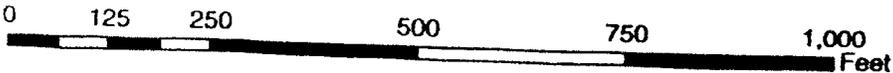
By _____
Dino Ross #20965
Attorney for Respondent District
Ireland, Stapleton, Pryor & Pascoe, PC
1675 Broadway, Suite 2600
Denver, CO 80202
(303) 623-2700

Family in Christ Annexation

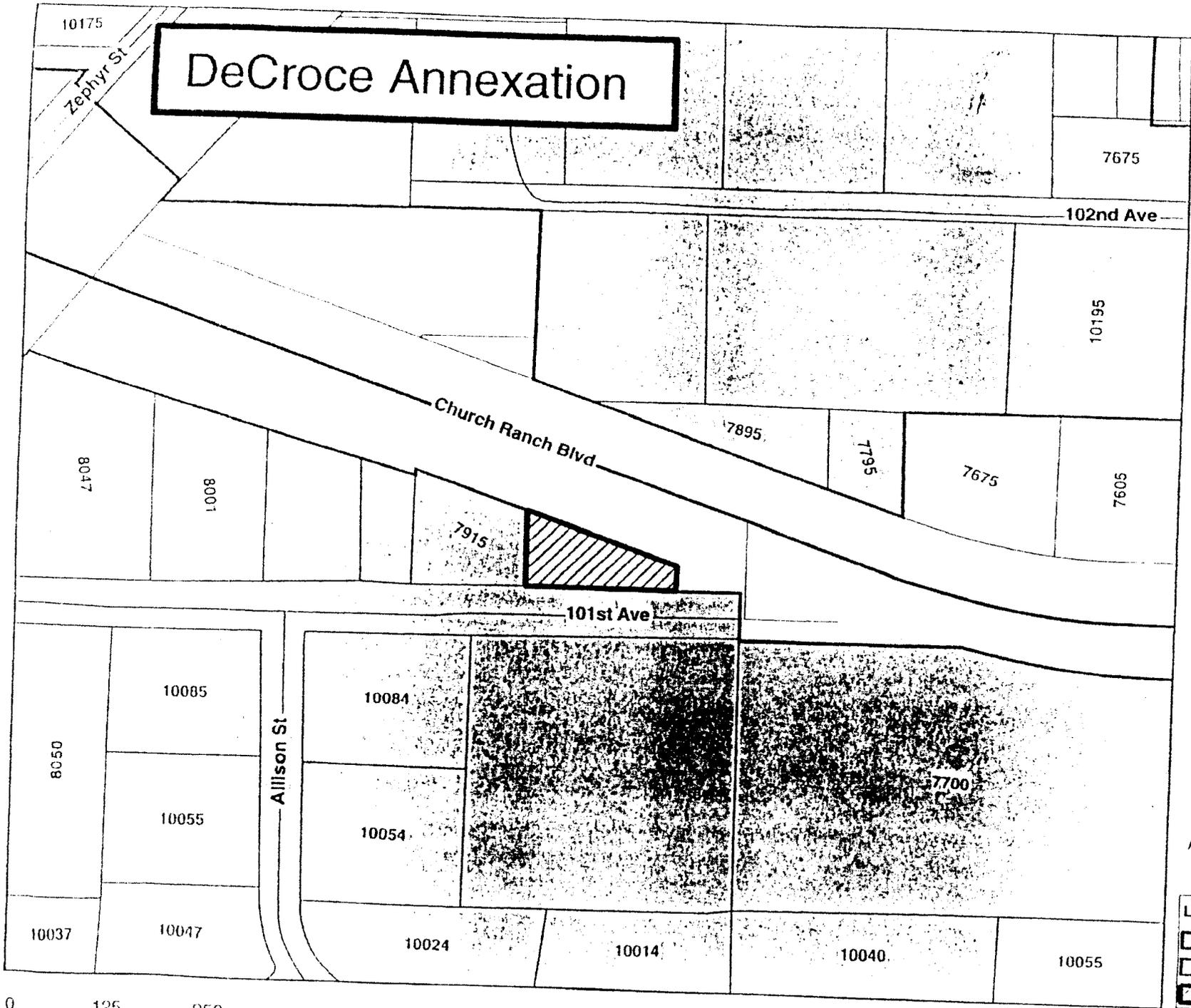


Legend

- Outside COW
- Inside COW
- Annexation

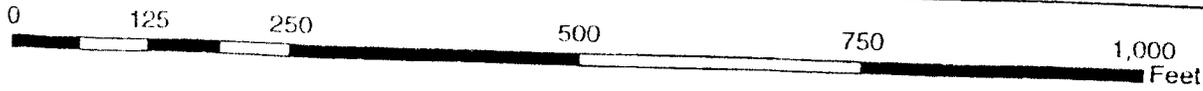


DeCroce Annexation

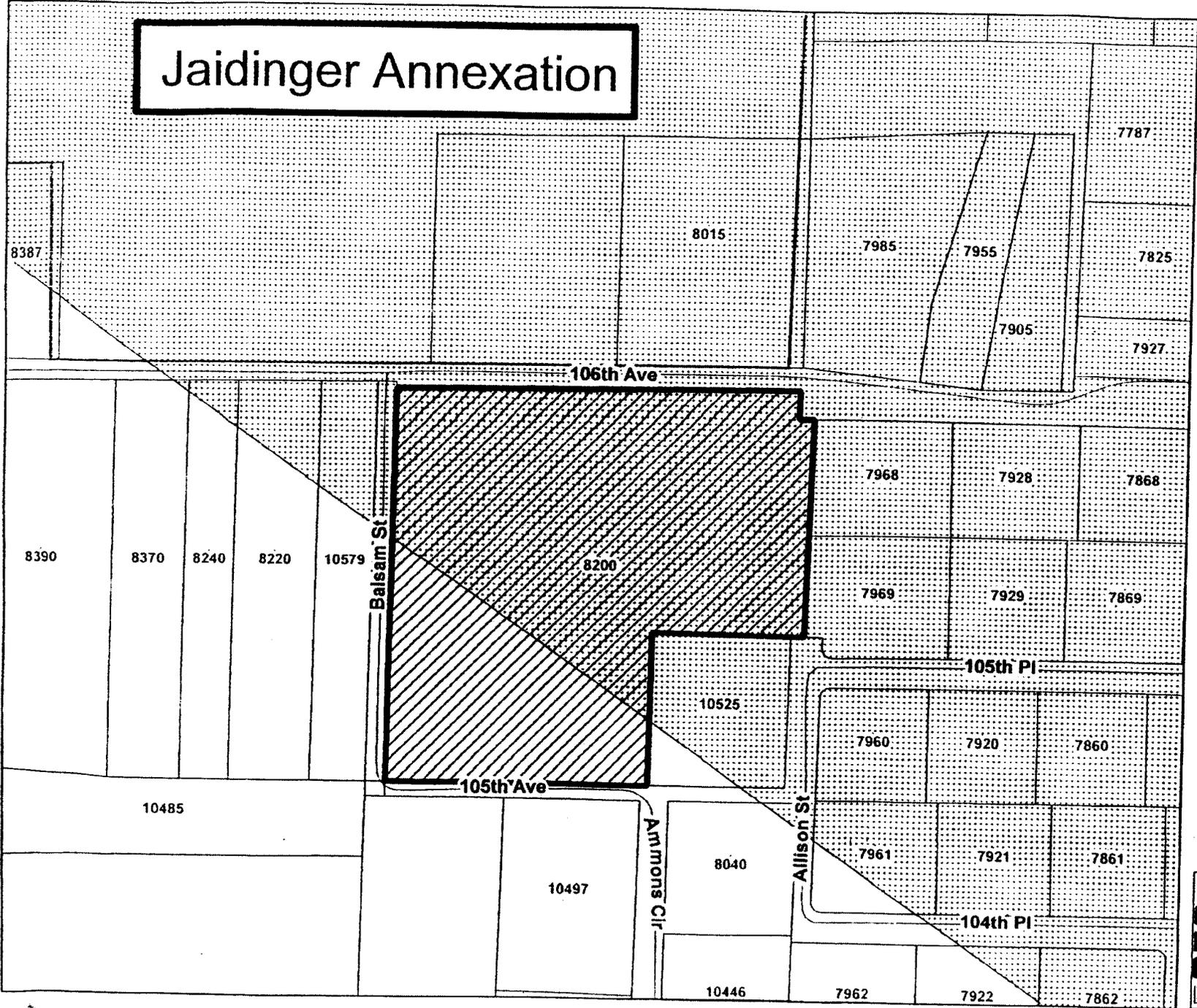


Legend

- Outside COW
- Inside COW
- ▨ Annexation

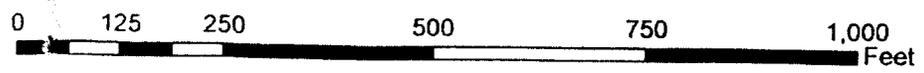


Jaidinger Annexation

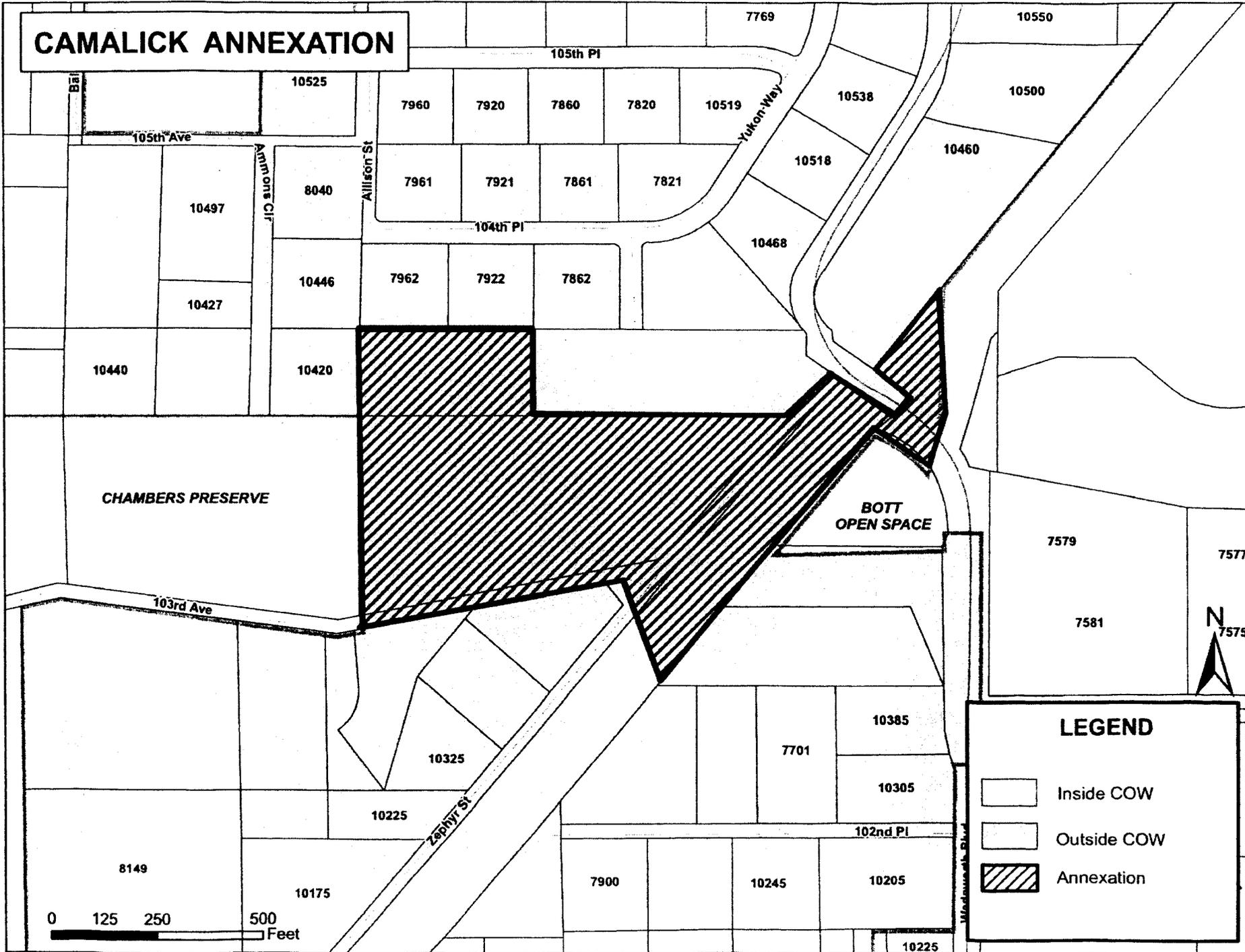


Legend

- Outside COW
- Inside COW
- Annexation
- Airport Critical Zone

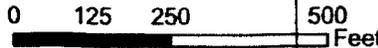


CAMALICK ANNEXATION



LEGEND

-  Inside COW
-  Outside COW
-  Annexation



Walnut Creek Vicinity Map



LEGEND

-  Annexation Area
-  City Boundary
-  Existing Fence



Agenda Item 10 O

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 9, 2006



SUBJECT: Resolution No. 58 re Exclusion from North Metro Fire Rescue District

Prepared by: Tami Cannon, Paralegal

Recommended City Council Action

Adopt Resolution No. 58 approving the exclusion of recently annexed properties from the North Metro Fire Rescue District.

Summary Statement

- This item is related to the approval of the Stipulation and Plan for exclusion appearing previously on this evening's City Council agenda. All six of the parcels to be excluded are within Jefferson County.
- City Council has acted on these annexations (listed in exhibit A) over the last several months. This action is necessary to complete the technical requirements for exclusion from the North Metro Fire District.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Whether to approve the exclusion of recently annexed properties from the District in order to avoid double taxation and duplicative fire protection services.

Alternative

Do not approve the exclusion of recently annexed properties from the District. This is not recommended, since it would result in double taxation and duplicative fire protection services to the properties.

Background Information

In order for the City Attorney's Office to proceed with the filing of the exclusion documents, the exclusion statutes require that City Council adopt the attached Resolution indicating the City's agreement to provide the fire protection services provided by the District to the area described in the Stipulation and Plan within one year from the effective date of the exclusion order as required by statute.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment: Resolution

RESOLUTION

RESOLUTION NO. **58**

INTRODUCED BY COUNCILLORS

SERIES OF 2006

EXCLUSION OF TERRITORY FROM THE NORTH METRO FIRE RESCUE DISTRICT

WHEREAS, it is in the public interest and a policy of the City of Westminster to eliminate the overlapping of services provided by local governments and the double taxation that may occur because of annexation when all or part of the territory lies within the boundaries of both the City of Westminster and a special district; and

WHEREAS, Colorado statutes provide an orderly procedure to eliminate such overlapping of services and double taxation, which procedure is found in section 32-1-502, et seq., C.R.S., as amended; and

WHEREAS, the City Council of the City of Westminster has been informed by City Staff and now finds that such a situation exists in the area described on Exhibit "A" attached hereto and incorporated herein by reference and that there is an overlapping of fire protection services by the City of Westminster and the North Metro Fire Rescue District (hereinafter "District") and double taxation resulting from the territory described in Exhibit "A" being within the boundaries of both the City and the District; and

WHEREAS, the City Council, based upon information provided by its Staff, has found that the quality of service to be provided by the City of Westminster will not be inferior to the service provided by the District in the territory described in Exhibit "A" attached hereto, based upon the Westminster Fire Department's service capability, which includes operations out of six (6) existing fire stations that are strategically located throughout the City; an extensive fleet of sophisticated firefighting and emergency medical vehicles including five (5) fire engines, two (2) aerial trucks, three (3) reserve fire engines, four (4) ambulances, two (2) reserve ambulances, two (2) attack units, and other support apparatus, operated by an authorized full-time career staff of one hundred and forty (140) personnel, one hundred and twenty-four (124) of which are highly trained front-line firefighters and paramedics; and

WHEREAS, evidence gathered in previous proceedings for exclusion from other Districts, and applicable to this proceeding also, establishes that fire insurance costs for the improvements within the excluded area will not be adversely affected by such exclusion.

WHEREAS, City officials and representatives of the District are negotiating the City's proposal to exclude from the Fire District, and are working towards a mutually acceptable exclusion agreement; and

WHEREAS, the City Council of the City of Westminster is willing to agree by this Resolution to provide the service provided by the District to the area described in Exhibit "A" within one year from the effective date of the exclusion order as required by statute, and more specifically, immediately upon the effective date of the exclusion order;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTMINSTER:

1. That the City proceed at once to exclude the territory described in Exhibit "A" from the District by filing its Petition in the District Court of Adams County, pursuant to the provisions of section 32-1-502, et seq., C.R.S., as amended.

2. That the City Council of the City of Westminster agrees, by this Resolution, to provide the service provided by the District to the area described in Exhibit "A" within one year from the effective date of the exclusion order as required by statute, and specifically, immediately upon the effective date of the exclusion order.

3. That the quality of service to be provided by the City of Westminster will not be inferior to the service provided by the District in the territory described in Exhibit "A" and the fire insurance costs for the improvements within the excluded area will not be adversely affected by such exclusion.

4. That the City Attorney is instructed to petition the Court and carry out all notification requirements as contained in applicable state statutes.

PASSED AND ADOPTED this 9th day of October, 2006.

Mayor

ATTEST:

City Clerk

Exhibit A

Family in Christ Property:

A tract of land in the south half of Section 14, Township 2 South, Range 69 West of the Sixth Principal Meridian in the County of Jefferson in the State of Colorado more particularly described as follows:

Commencing at the monument at the center quarter corner of said section as described on the City of Westminster GIS Survey Plat as deposited in Book 29 at Page 37 of the Land Survey Plat Records of the County of Jefferson, from whence the monument at the south quarter corner of said section as described in said records bears S00°46'17"W, 2568.69 feet the bearing of which all bearings hereon are based; thence along the east line of the southwest quarter of said section S00°46'17"W, 296.05 feet; thence N89°49'34"E, 30.00 feet to a point on the east line of Wadsworth Boulevard, a point on the west line of that annexation recorded at Reception Number 78088769 of the records of the Jefferson County Clerk and Recorder, the point of beginning;

Thence along said west line S00°46'17"W, 321.03 feet to the northeast corner of the former Lange Property annexation recorded at Reception Number F1444645 of said records; thence along the north line of said annexation S89°46'42"W, 30.00 feet to a point on the east line of said southwest quarter; thence continuing along said north line S89°46'42"W, 698.38 feet to the northwest corner of said annexation, a point on the west line of north Yarrow Street; thence along said west line N00°26'45"E, 321.61 feet to a point on the west projection of the north line of 99th Place; thence along said north line N89°49'34"EM 70021 feet to the point of beginning.

Containing 234,316 square feet or 5.3792 acres more or less.

DeCroce Property:

A portion of Tract 61 of Mandalay Gardens Subdivision, located in the northwest ¼, Section 14, Township 2 South, Range 69 West of the 6th P.M., County of Jefferson, State of Colorado, more particularly described as follows:

Beginning at the southwest corner of said Tract 61, which point also lies on the northerly right-of-way of West 101st Avenue; thence N01°08'07"E, 97.65 feet to the southerly right-of-way of 101st/100th Avenue extension; thence S70°55'27"E, along the southerly right-of-way of 101st/100th Avenue extension 198.07 feet to the intersection of the westerly right-of-way of West 101st Avenue; thence S02°18'08"W, along the right-of-way of West 101st Avenue 30.85 feet; thence S89°21'57"W, continuing along what is now the northerly right-of-way of West 101st Avenue 187.90 feet to the point of beginning.

Jaidinger Property:

Beginning at the southwest corner of the southeast one quarter of the southwest one quarter of Section 11, Township 2 South, Range 69 West of the 6th P.M., thence N00°45'12"E a distance of 897.29 feet, thence N89°45'32"W a distance of 20.00 feet to the point of beginning;

Thence N00°45'12"E a distance of 392.23 feet;
Thence N89°52'02"W a distance of 635.25 feet
Along the south line of 106th Avenue;
Thence S00°56'05"W a distance of 631.06 feet
Along the east line of Balsam Street;
Thence S89°45'29"E a distance of 417.24 feet;
Thence N00°45'04"E a distance of 240.01 feet;
Thence S89°45'32"E a distance of 220.01 feet
To the point of beginning, containing 8.01 acres, more or less.

Camalick Open Space:

A parcel of land situated in portions of the southwest quarter of Section 11 and the northwest quarter of Section 14, Township 2 South, Range 69 West of the Sixth Principal Meridian, City of Westminster, County of Jefferson, State of Colorado, being more particularly described as follows;

Beginning at the northwest corner of Parcel 2, as shown in the Mandalay Gardens Exemption Survey Number 3, recorded at Book 108, Page 10, at Reception No. 92015695 in the records of said Jefferson County;

Thence south along the west line of said parcel to the northwest corner of Parcel 3, said Mandalay Gardens Exemption No. 3;

Thence southerly on the west line of Parcel 3 and its extension thereof to the southerly right-of-way line of Barber Drive;

Thence northeasterly along the south right-of-way line of said Barber Drive to the most northerly corner of Tract 67C., Mandalay Gardens, as recorded in Book 5, Page 36 in the records of said County;

Thence southeasterly along the northeasterly line of said Tract 67C and its extension thereof to the southeasterly right-of-way line of the Burlington Northern Railroad;

Thence northeasterly along said southeasterly right-of-way to the most westerly corner of the Bott annexation map;

Thence northeasterly along the northwesterly line of said Bott annexation map, said line also being the southeasterly right-of-way of the Colorado and Southern Railroad to a point on a curve, said point being the most northerly line of said Bott annexation map;

Thence southeasterly along said curve to a point on the westerly right-of-way of 105th Avenue;

Thence northeasterly along said westerly right-of-way line of 105th Avenue, said line being shown on the Bott annexation map and the annexation map for Woods third annexation to the City of Westminster to the south line of the southeast quarter of said Section 11;

Thence southwesterly along the south line of said southeast quarter to the south quarter corner of said Section 11;

Thence northerly along the west line of said southeast quarter to a point on the northerly right-of-way of the Burlington Northern Railroad;

Thence southwesterly along said northwesterly right-of-way to the northeasterly right-of-way of Old Wadsworth, shown as Standley Avenue on the map of Mandalay Gardens;

Thence southeasterly along said northeasterly right-of-way line to the southeasterly right-of-way of the Burlington Northern Railroad;

Thence southwesterly along said southeasterly right-of-way line to the southwesterly right-of-way of said Old Wadsworth;

Thence northwesterly along said southwesterly right-of-way to the northwesterly right-of-way of Zephyr Street as shown on Mandalay Gardens Exemption Survey No. 3;

Thence southwesterly along said northwesterly right-of-way to the north line of the aforementioned Parcel 3 of Mandalay Gardens Exemption Survey No. 3;

Thence westerly along said north line to the southeasterly corner of the aforementioned Parcel 2 Mandalay Gardens Exemption Survey No. 3;

Thence northerly along the east line of said Parcel 2 to the northeast corner of said Parcel 2;

Thence westerly along the north line of said Parcel 2 to the point of beginning.

Kalmar Property:

A parcel of land located in the northeast one-quarter of Section 23, Township 2 South, Range 69 West, of the 6th Principal Meridian, City of Westminster, County of Jefferson, State of Colorado being a part of Lots 23 and 24 of Greenlawn Acres and Reservoir as recorded in the office of Jefferson County Clerk and Recorder, in Plat Book 2 at Page 77, and being more particularly described as follows:

Commencing at the north one-quarter corner of said Section 23; thence N89°15'00"E along the north line of said Section 23 a distance of 1,309.51 feet to the northeast corner of said Lot 24; thence S00°22'40"E along the east line of said Lot 24 a distance of 30.00 feet; thence S89°15'00"W and parallel with the north line of said Lot 24 a distance of 10.00 feet; thence S00°22'40"E and parallel with the east line of said Lot 24 a distance of 217.37 feet, to the true point of beginning; thence S89°15'00"W and parallel with the north line of said Lot 24 a distance of 200.00 feet; thence S00°22'40"E and parallel with the east line of said Lot 24 a distance of 217.00 feet; thence N89°15'00"E and parallel with the north line of said Lot 24 a distance of 200.00 feet; thence N00°22'40"W and parallel with the east line of said Lot 24 a distance of 217.00 feet to the true point of beginning, containing an area of 43,399 square feet or 0.996 acres, more or less.

Walnut Creek Open Space (former Jeffco Schools):

A tract of land to be annexed to the City of Westminster, Lot 29, Block 3 of the Walnut Creek Development, Unit One as recorded at Reception Number 70362747 of the records of Jefferson County Clerk and Recorder and a part of the south half of the southeast quarter of Section 8, Township 2 South, Range 69 west of the Sixth Principal Meridian in the County of Jefferson, State of Colorado more particularly described as follows,

Commencing at the east quarter corner of said section a monument as described in the City of Westminster GIS survey plat; thence along the east line of said quarter the bearing of which all bearings hereon are based, S00°11'43"E, 1322.43 feet; thence N89°45'44"W, 953.29 feet to the point of beginning, a point on the northerly line of that annexation to the City of Westminster as recorded at Reception Number 49967 on June 23, 1978 of said records;

Thence along said northerly line S16°39'39"W 761.85 feet to a point on the north line of the Church Ditch; thence continuing along said lines N62°42'21"W 313.89 feet; thence continuing along said lines N28°25'54"E 208.16 feet; thence continuing along said lines N20°34'55"W 264.39 feet; thence continuing along said lines N49°55'00"W 245.66 feet to a point on the south line of said Walnut Creek development, Unit One; thence along the north line of said ditch N49°27'29"W 33.13 feet; thence along the east line of Lot 12, Block 6 of said development N04°59'11"E 181.25 feet to a point on a non-tangent curve to the left on the easterly line of Union Way as shown on said development; thence said easterly line along said curve with a central angle of 68°59'56", a radius of 200.00 feet, an arc length 240.85 feet, the long chord bears N60°29'09"E, 226.56 feet; thence along said easterly line N25°59'11"E 100.00 feet to a point of curve left; thence along said curve with a central angle of 20°00'00", a radius of 953.29 feet, an arc length 186.75 feet, long chord bears N15°59'11"E, 185.80 feet; to the southwest corner of Lot 28, Block 3 of said development; thence along the south line of said Lot 8 S84°00'49"E 123.61 feet to the southwest corner of Lot 8 of said Block 3; thence along the south line of said Lot 8 S80°52'59"E 115.06 feet; thence along said south line N51°52'57"E 30.30 feet to a point on a non-tangent curve left on the west line of West 106th Place; thence along said curve with a central angle of 17°23'02", a radius of 50.00 feet, arc length 15.17 feet, long chord bears S46°48'34"E, 15.11 feet; thence along the east line of said Block 3 and the following 7 courses; 1) S34°29'55"W 42.09 feet; 2) S22°42'27"E 250.46 feet; 3) S62°56'04"E 137.26 feet to a point on the west line Tabor Court; 4) S16°9'39"W 15.00 feet along the west line of said Court; 5) N62°56'04"W 122.54 feet; 6) S16°39'39"W 287.00 feet; 7) S89°45'44"E 125.67 feet to the point of beginning,

Containing 516,891 square feet or 11.8662 acres more or less.

Summary of Proceedings

Summary of proceedings of the regular meeting of the Westminster City Council held Monday, October 9, 2006. Mayor McNally, Mayor Pro Tem Kauffman, and Councillors Dittman, Lindsey, Major, and Price were present at roll call. Councillor Kaiser was absent and excused.

The minutes of the September 25, 2006 regular meeting were approved as corrected.

Council proclaimed the week of October 16 to be Business Appreciation Week.

Council approved the following: revised employment agreement with J. Brent McFall; option agreement concerning preservation of historic Shoenberg Farms; authorization of expenditures re West 80th Avenue/Federal Boulevard Project; revised employment agreement with John A. Stipech; 2007 City employee health insurance renewals and rates; 2007 property and liability excess insurance renewal; stipulation and plan re exclusion of properties from North Metro Fire Rescue District; final passage of Councillor's Bill No. 50 re MY Business Park property annexation; final passage of Councillor's Bill No. 51 re MY Business Park property CLUP amendment; final passage of Councillor's Bill No. 52 re MY Business Park property rezone; final passage of Councillor's Bill No. 53 re Kerr #1 property annexation; final passage of Councillor's Bill No. 54 re Kerr #2 property annexation; final passage of Councillor's Bill No. 55 re Kerr property CLUP amendment; final passage of Councillor's Bill No. 56 re Kerr property rezone; and final passage of Councillor's Bill No. 57 re Sedona, LLC Development Economic Development Agreement.

Council adopted resolutions to: formally support Adams County Sales Tax Extension ballot issue; set Standley Lake and Golf Course Fees for 2007; adopt the 2007 and 2008 City Budgets; adopt the 2007 and 2008 pay plans; establish fiscal policies re utility reserves; exclude recently annexed properties from the North Metro Fire Rescue District.

Council passed the following Councillors' Bills on first reading:

A BILL FOR AN ORDINANCE REPEALING CHAPTER 6 OF TITLE IV "CONCRETE REPLACEMENT PROGRAM," ENACTING CHAPTER 8 OF TITLE IX, W.M.C., AND AMENDING CHAPTER 13 OF TITLE VIII, W.M.C., ESTABLISHING AN INFRASTRUCTURE FEE FOR CONCRETE REPLACEMENT AND STREETLIGHT COSTS, AND INCREASING THE MONTHLY BASE RATE PORTION OF THE STORMWATER SERVICE FEE. Purpose: to establish the 2007 infrastructure fee and the 2008 stormwater utility fee rates.

A BILL FOR AN ORDINANCE MAKING APPROPRIATIONS TO PAY THE EXPENSE OF CONTINUING THE PUBLIC BUSINESS FOR THE YEAR 2007 AND 2008 AND OTHER PURPOSES REQUIRED BY THE CHARTER AND BY ANY OTHER LAW. Purpose: 2007 and 2008 appropriations.

A BILL FOR AN ORDINANCE AMENDING CHAPTER 24 OF TITLE I OF THE WESTMINSTER MUNICIPAL CODE CONCERNING PERSONNEL MANAGEMENT. Purpose: to establish "Hourly Non-Benefited" as a category of appointment in the Code.

A BILL FOR AN ORDINANCE AMENDING THE SALARY OF THE MUNICIPAL JUDGE. Purpose: to establish the Municipal Court Judge's 2007 salary.

A BILL FOR AN ORDINANCE AMENDING TITLE XIV OF THE WESTMINSTER MUNICIPAL CODE CONCERNING THE POLICE AND GENERAL EMPLOYEE PENSION PLANS. Purpose: to amend the general employee and Police pension plans.

The meeting adjourned at 7:50 p.m.

By Order of the Westminster City Council
Linda Yeager, City Clerk

Published in the Westminster Window on October 19, 2006

ORDINANCE NO. **3307**
SERIES OF 2006

COUNCILLOR'S BILL NO. **50**
INTRODUCED BY COUNCILLORS
Major - Dittman

A BILL

**FOR AN ORDINANCE ANNEXING A PARCEL OF LAND LOCATED IN SECTION 11,
TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., JEFFERSON COUNTY, COLORADO.**

WHEREAS, pursuant to the laws of the State of Colorado, there was presented to the Council of the City of Westminster a petition for annexation to the City of Westminster by the owners of one hundred percent of the hereinafter-described contiguous, unincorporated area, exclusive of public streets and alleys, being in the County of Jefferson, State of Colorado; and

WHEREAS, City Council has held the required annexation hearing in conformance with all statutory requirements; and

WHEREAS, City Council has heretofore adopted Resolution No.39, Series of 2006, making certain findings of fact and conclusions regarding the proposed annexation, as required by Section 31-12-110, C.R.S., and now finds that the property proposed for annexation under the Annexation Petition may be annexed by ordinance at this time; and

WHEREAS, the City Council has satisfied itself concerning the conformance of the proposed annexation to the Comprehensive Land Use Plan of the City of Westminster.

NOW, THEREFORE, the City of Westminster ordains:

Section 1. That the annexation is hereby accomplished by and to the City of Westminster, State of Colorado, of the following described contiguous unincorporated territory situated, lying and being in the County of Jefferson, State of Colorado, to wit:

MY Business Park Annexation

A parcel of land situated in the west half of Section 11, Township 2 South, Range 69 West of the Sixth Principal Meridian, Jefferson County, State of Colorado, being more particularly described as follows:

Beginning at the center of said Section 11;

Thence along the east-west center line of said Section 11, south 88 degrees 56 minutes 07 seconds west 342.63 feet to a point on the southerly extension of the east line of the SW ¼, SE ¼, SE ¼, NW ¼ of said Section 11;

Thence north 0 degrees 31 minutes 52 seconds west 339.12 feet to a point on the boundary lines of Green Knolls Subdivision, Filing 2, as shown on the plat recorded at Book 74, P. 2, Reception No. 83070863, Jefferson County Records, thence along said boundary line south 88 degrees 53 minutes 24 seconds west 684.20 feet;

Thence continuing along said boundary line and its prolongation thereof south 0 degrees 20 minutes 59 seconds east 368.59 feet to a point on southerly ROW of 108th Avenue as shown on the plat of Mandalay Gardens Amended No. 1, said line also being 30' south of and parallel with the said east-west centerline;

Thence along said southerly ROW north 88 degrees 56 minutes 07 seconds east 197.61 feet to a point on the westerly line of said Mandalay Gardens amended No. 1;

Thence along said line south 0 degrees 08 minutes 07 seconds east 20.00 feet;

Thence N 88 degrees 56 minutes 07 seconds east 519.97 feet to the easterly line of said subdivision;

Thence north 1 degree 02 minutes 53 seconds west 20.00 feet to a point on a line that is 30 south of and parallel with the east-west centerline of said section;

Thence north 88 degrees 56 minutes 07 seconds east 310.34 feet to the east line of the SW ¼ of said section;

Thence along said east line of said SW ¼, north 0 degrees 12 minutes 24 seconds east 30.00 feet to the point of beginning.

Section 2. That the City Council finds that the owners of one hundred percent of the above-described area, exclusive of streets and alleys, have petitioned for annexation.

Section 3. This ordinance shall take effect upon its passage after second reading.

Section 4. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 25th day of September, 2006. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 9th day of October, 2006.

A BILL
FOR AN ORDINANCE AMENDING THE WESTMINSTER
COMPREHENSIVE LAND USE PLAN

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for an amendment to the Westminster Comprehensive Land Use Plan has been submitted to the City for its approval pursuant to W.M.C. §11-4-16(D), by the owner(s) of the properties described below requesting a change in the land use designations from "Northeast Comprehensive Development Plan" to "Business Park" for the My Business Park property located at the northeast corner of 108th Avenue and Zephyr Street, and consisting of 5 acres.

b. That such application has been referred to the Planning Commission, which body held a public hearing thereon on September 13, 2006, after notice complying with W.M.C. §11-4-16(B) and has recommended approval of the requested amendments.

c. That notice of the public hearing before Council has been provided in compliance with W.M.C. § 11-4-16(B) and the City Clerk has certified that the required notices to property owners were sent pursuant to W.M.C. §11-4-16(D).

d. That Council, having considered the recommendations of the Planning Commission, has completed a public hearing and has accepted and considered oral and written testimony on the requested amendments.

e. That the owners have met their burden of proving that the requested amendment will further the public good and will be in compliance with the overall purpose and intent of the Comprehensive Land Use Plan, particularly Goal A1, "Growth will occur in a manner that balances the pace of development with the City's ability to provide Quality services" and Policy A1a, "Annexation of County enclaves will be considered on a case by case basis taking into consideration social, fiscal and land use factors."

Section 2. The City Council approves the requested amendments and authorizes City Staff to make the necessary changes to the map and text of the Westminster Comprehensive Land Use Plan to change the designations of the properties more particularly described as follows:

A parcel of land located in the SE ¼ of the NW ¼ of Section 11, Township 2 South, Range 69 West of the 6th Principal Meridian, Jefferson County, State of Colorado, being more particularly described as follows:
Commencing at the center of said Section 11;

Thence along the east-west centerline of said Section 11, S88°56'07" W, 1027.90 feet to a point on the southerly boundary line of Green Knolls Subdivision, Filing No. 2, as shown on the plat recorded at Book 74, Page 2, Reception No. 83070863, Jefferson County Records;

Thence along said boundary line N00°23'19"W, 10.00 feet to the point of beginning;

Thence continuing along said boundary line, N00°23'19"W, 318.52 feet to the northwest corner of the SE ¼, SW ¼, SE ¼, NW ¼ of said Section 11;

Thence N88°53'07" E, along the north line of said SE ¼, SW ¼, SE ¼, NW ¼ of said Section 11, 684.38 feet to the northeast corner of the SW ¼, SE ¼, SE ¼, NW ¼ of said Section 11;

Thence S00°32'40" E along the east line of said SW ¼, SE ¼, SE ¼, NW ¼ of Section 11, 319.10 feet to a point on the northerly right-of-way line of West 108th Avenue said point being 10.00 feet north of the East-West centerline of said Section 11;

Thence along said right-of-way line and parallel to the east-west centerline of said Section 11, S88°56'07" W, 685.24 feet to the point of beginning, said parcel containing 5.01 acres, more or less.

Basis of bearing is the east-west centerline of Said Section 11, between monuments found at the center of section and the West ¼ corner which bears S88°56'07" W to "Business Park," as depicted on the map attached as Exhibit A hereto.

Section 3. Severability: If any section, paragraph, clause, word or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part deemed unenforceable shall not affect any of the remaining provisions.

Section 4. This ordinance shall take effect upon its passage after second reading.

Section 5. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 25th day of September, 2006. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 9th day of October, 2006.

A BILL

FOR AN ORDINANCE AMENDING THE ZONING OF A PARCEL OF LAND, APPROXIMATELY 5 ACRES IN SIZE, LOCATED IN SEC.11, T 2 S, R 69 W, 6TH P.M., JEFFERSON COUNTY, COLORADO FROM JEFFERSON COUNTY A-2 TO CITY OF WESTMINSTER PUD.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

- a. That an application for the rezoning of the property generally located at the northeast corner of 108th Avenue and Zephyr Street, as described below, from the Jefferson County A-2 zone to a City of Westminster PUD zone has been submitted to the City for its approval pursuant to W.M.C. §11-5-2.
- b. That the notice requirements of W.M.C. §11-5-13 have been met.
- c. That such application has been referred to the Planning Commission, which body held a public hearing thereon on September 13, 2006, and has recommended approval of the requested amendments.
- d. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminster Municipal Code and has considered the criteria in W.M.C. § 11-5-14.
- e. That based on the evidence produced at the public hearing, the proposed PUD zoning complies with all requirements of City Code, including, but not limited to, the provisions of W.M.C §11-5-14, regarding standards for approval of planned unit developments and §11-4-3, requiring compliance with the Comprehensive Land Use Plan.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property, described as:

A parcel of land located in the SE ¼ of the NW ¼ of Section 11, Township 2 South, Range 69 West of the 6th Principal Meridian, Jefferson County, State of Colorado, being more particularly described as follows:

Commencing at the center of said Section 11;

Thence along the east-west centerline of said Section 11, S88°56'07" W, 1027.90 feet to a point on the southerly boundary line of Green Knolls Subdivision, Filing No. 2, as shown on the plat recorded at Book 74, Page 2, Reception No. 83070863, Jefferson County Records;

Thence along said boundary line N00°23'19"W, 10.00 feet to the point of beginning;

Thence continuing along said boundary line, N00°23'19"W, 318.52 feet to the northwest corner of the SE ¼, SW ¼, SE ¼, NW ¼ of said Section 11;

Thence N88°53'07" E, along the north line of said SE ¼, SW ¼, SE ¼, NW ¼ of said Section 11, 684.38 feet to the northeast corner of the SW ¼, SE ¼, SE ¼, NW ¼ of said Section 11;

Thence S00°32'40" E along the east line of said SW ¼, SE ¼, SE ¼, NW ¼ of Section 11, 319.10 feet to a point on the northerly right-of-way line of West 108th Avenue said point being 10.00 feet north of the East-West centerline of said Section 11;

Thence along said right-of-way line and parallel to the east-west centerline of said Section 11, S88°56'07" W, 685.24 feet to the point of beginning, said parcel containing 5.01 acres, more or less.

Basis of bearing is the east-west centerline of Said Section 11, between monuments found at the center of section and the West ¼ corner which bears S88°56'07" W to "Business Park," as depicted on the map attached as Exhibit A hereto.

Section 3. This ordinance shall take effect upon its passage after second reading.

Section 4. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 25th day of September, 2006. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 9th day of October, 2006.

ORDINANCE NO. **3310**
SERIES OF 2006

COUNCILLOR'S BILL NO. **53**
INTRODUCED BY COUNCILLORS
Kauffman - Major

A BILL

**FOR AN ORDINANCE ANNEXING A PARCEL OF LAND LOCATED IN SECTION 14,
TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., JEFFERSON COUNTY, COLORADO.**

WHEREAS, pursuant to the laws of the State of Colorado, there was presented to the Council of the City of Westminster a petition for annexation to the City of Westminster by the owner of more than fifty percent of the hereinafter-described contiguous, unincorporated area, exclusive of public streets and alleys, being in the County of Jefferson, State of Colorado; and

WHEREAS, City Council has held the required annexation hearing in conformance with all statutory requirements; and

WHEREAS, City Council has heretofore adopted Resolution No.44, Series of 2006 making certain findings of fact and conclusions regarding the proposed annexation, as required by Section 31-12-110, C.R.S., and now finds that the property proposed for annexation under the Annexation Petition may be annexed by ordinance at this time; and

WHEREAS, the City Council has satisfied itself concerning the conformance of the proposed annexation to the Comprehensive Land Use Plan of the City of Westminster.

NOW, THEREFORE, the City of Westminster ordains:

Section 1. That the annexation is hereby accomplished by and to the City of Westminster, State of Colorado, of the following described contiguous unincorporated territory situated, lying and being in the County of Jefferson, State of Colorado, to wit:

Kerr 1 Annexation

A parcel of land being a portion of Tract 65 B, Mandalay Gardens, a subdivision recorded at Reception No. 194693, Jefferson County Public Records and all of Lot 20, Wadsworth Acres, a subdivision recorded at Reception No. 62919166 and in Book 23, Page 22 said Jefferson County Public Records located in the west one-half of Section 14, Township 2 South, Range 69 West of the 6th Principal Meridian, more particularly described as follows:

Commencing at the west one-quarter of said Section 14;

Thence N89°52'19" E along the southerly line of the northwest one-quarter of said Section 14 a distance of 95.92 feet to the point of beginning;

Thence N 40°08'18" E along the westerly line of the Colorado & Southern Railroad, a distance of 26.21 feet;

Thence N 89°52'19" E, a distance of 196.52 feet to a point on the easterly line of said Colorado & Southern Railroad;

Thence N 40°02'12" E along said easterly line a distance of 351.75 feet;

Thence S 49°57'48" E, a distance of 20.00 feet;

Thence S 40°02'12" W, a distance of 361.04 feet to a point on said southerly line of the northwest one-quarter of Section 14;

Thence S 89°52'19" W along said southerly line a distance of 222.79 feet to the point of beginning

Section 2. This ordinance shall take effect upon its passage after second reading.

Section 3. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 25th day of September, 2006. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 9th day of October, 2006.

A BILL

**FOR AN ORDINANCE ANNEXING A PARCEL OF LAND LOCATED IN SECTION 14,
TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., JEFFERSON COUNTY, COLORADO.**

WHEREAS, pursuant to the laws of the State of Colorado, there was presented to the Council of the City of Westminster a petition for annexation to the City of Westminster by the owner of more than fifty percent of the hereinafter-described contiguous, unincorporated area, exclusive of public streets and alleys, being in the County of Jefferson, State of Colorado; and

WHEREAS, City Council has held the required annexation hearing in conformance with all statutory requirements; and

WHEREAS, City Council has heretofore adopted Resolution No.44, Series of 2006 making certain findings of fact and conclusions regarding the proposed annexation, as required by Section 31-12-110, C.R.S., and now finds that the property proposed for annexation under the Annexation Petition may be annexed by ordinance at this time; and

WHEREAS, the City Council has satisfied itself concerning the conformance of the proposed annexation to the Comprehensive Land Use Plan of the City of Westminster.

NOW, THEREFORE, the City of Westminster ordains:

Section 1. That the annexation is hereby accomplished by and to the City of Westminster, State of Colorado, of the following described contiguous unincorporated territory situated, lying and being in the County of Jefferson, State of Colorado, to wit:

Kerr 2 Annexation

A parcel of land being a portion of Tract 65 B, Mandalay Gardens, a subdivision recorded at Reception No. 194693, Jefferson county Public Records and all of Lot 20, Wadsworth Acres, a subdivision recorded at Reception No. 62919166 and in Book 23, Page 22 said Jefferson County Public Records located in the west one-half of Section 14, Township 2 South, Range 69 West of the 6th Principal Meridian, more particularly described as follows; Commencing at the west one-quarter of said Section 14;

Thence N 89°52'19" E, along the south line of the northwest one-quarter a distance of 318.67 feet to the point of beginning;

Thence along the westerly line of a parcel of land annexed to the City of Westminster as Kerr Annexation #1 the following two (2) courses;

1. N 40°02'12" E, a distance 361.04 feet;

2. N 49°57'48" W, a distance of 20.00 feet to a point on the easterly line of the Colorado & Southern Railroad;

Thence N 40°02'12" E along said southerly line a distance of 50.50 feet to the southwesterly corner of a parcel of land being a portion of said Tract 65B, Mandalay Gardens, described by deed at Reception No. F0933466 said Jefferson County Public Records;

Thence N 89°52'19" E along the southerly of said Parcel A distance of 122.47 feet to the northwesterly corner of a parcel of land being said portion of Tract 65B, Mandalay Gardens, described by deed at Reception No. F1073651 Jefferson County Public Records;

Thence S 00°07'41" E along the westerly line of said parcel of land a distance of 327.40 feet to a point on said southerly line of the northwest one-quarter of Section 14;

Thence N 89°52'19" E along said southerly line a distance of 63.70 feet to the northwesterly corner of Lot 19, said Wadsworth Acres;

Thence S 00°01'20" W along the westerly line of said Lot 19 a distance of 149.31 feet to the northerly right-of-way line of West Ammons Circle;

Thence along said northerly right-of-way line the following two (2) courses;

1. N 89°58'41" W, a distance of 232.00 feet;

2. Along the arc of a curve to the left whose chord bears S 83°10'04" W, a distance of 44.92 feet, having a radius of 188.20 feet, a delta angle of 13°42'30", and an arc length of 45.03 feet to the southeasterly corner of Lot 21; said Wadsworth Acres;

Thence N 12°13'34" W along the easterly line of said Lot 21 a distance of 157.44 feet to point on said southerly line of the northwest one-quarter of Section 14;

Thence S 89°52'19" W along said southerly line a distance of 129.33 feet to the point of beginning

Section 2. This ordinance shall take effect upon its passage after second reading.

Section 3. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 25th day of September, 2006. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 9th day of October, 2006.

A BILL
FOR AN ORDINANCE AMENDING THE WESTMINSTER
COMPREHENSIVE LAND USE PLAN

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for an amendment to the Westminster Comprehensive Land Use Plan has been submitted to the City for its approval pursuant to W.M.C. §11-4-16(D), by the owner(s) of the properties described below, requesting a change in the land use designations from "Northeast Comprehensive Development Plan" to "R-1, Residential" for the Kerr property located at 9931 Ammons Circle, consisting of approximately 3 acres.

b. That such application has been referred to the Planning Commission, which body held a public hearing thereon on September 13, 2006, after notice complying with W.M.C. §11-4-16(B) and has recommended approval of the requested amendments.

c. That notice of the public hearing before Council has been provided in compliance with W.M.C. § 11-4-16(B) and the City Clerk has certified that the required notices to property owners were sent pursuant to W.M.C. §11-4-16(D).

d. That Council, having considered the recommendations of the Planning Commission, has completed a public hearing and has accepted and considered oral and written testimony on the requested amendments.

e. That the owners have met their burden of proving that the requested amendment will further the public good and will be in compliance with the overall purpose and intent of the Comprehensive Land Use Plan, particularly Goal A1, "Growth will occur in a manner that balances the pace of development with the City's ability to provide Quality services" and Policy A1a, "Annexation of County enclaves will be considered on a case by case basis taking into consideration social, fiscal and land use factors."

Section 2. The City Council approves the requested amendments and authorizes City Staff to make the necessary changes to the map and text of the Westminster Comprehensive Land Use Plan to change the designations of the properties more particularly described as follows:

A parcel of land being a portion of Tract 65 B, Mandalay Gardens, a subdivision recorded at Reception No. 194693, Jefferson County Public Records and all of Lot 20, Wadsworth Acres, a subdivision recorded at Reception No. 62919166 and in Book 23, Page 22 said Jefferson County Public Records located in the west one-half of Section 14, Township 2 South, Range 69 West of the 6th Principal Meridian, more particularly described as follows;

Commencing at the west one-quarter of said Section 14;

Thence N89°52'19" E, along the south line of the northwest one-quarter a distance of 292.50 feet to a point on the easterly line of the Colorado and Southern Railroad said point also being the Point of Beginning;

Thence N40°02'12" E along said easterly line a distance of 428.43 feet to the southwesterly corner of a parcel of land being a portion of said Tract 65B, Mandalay Gardens, described by deed at Reception No. F0933466 Jefferson County Public Records;

Thence N89°52'19" E along the southerly of said parcel a distance of 122.47 feet to the northwesterly corner of a parcel of land being a portion of said Tract 65B, Mandalay Gardens, described by deed at Reception No. F1073651 Jefferson County Public Records;

Thence S00°07'41" E along the westerly line of said parcel of land a distance of 327.40 feet to a point on said southerly line of the northwest one-quarter of Section 14;

Thence N89°52'19" E along said southerly line a distance of 63.70 feet to the northwesterly corner of Lot 19, said Wadsworth Acres;

Thence S009°01'20" W along the westerly line of said Lot 19 a distance of 149.31 feet to the northerly right-of-way line of West Ammons Circle;

Thence along said northerly right-of-way line the following two (2) courses;

N89°58'41" W, a distance of 232.00 feet;

Along the arc of a curve to the left whose chord bears S83°10'04" W, a distance of 44.92 feet, having a radius of 188.20 feet, a delta angle of 13°42'30", and an arc length of 45.03 feet to the southeasterly corner of Lot 21, said Wadsworth Acres;

Thence N12°13'34" W along the easterly line of said Lot 21 a distance of 157.44 feet to a point on said southerly line of the northwest one-quarter of Section 14;

Thence S89°52'19" W along said southerly line a distance of 152.50 feet to the point of beginning, containing 129.181 sq. ft. or 2.97 acres more or less;

Having laid out, subdivided and platted the same into lots under the name and style of Kerr Subdivision to "R-1, Residential," as depicted on the map attached as Exhibit A hereto.

Section 3. Severability: If any section, paragraph, clause, word or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part deemed unenforceable shall not affect any of the remaining provisions.

Section 4. This ordinance shall take effect upon its passage after second reading.

Section 5. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 25th day of September, 2005. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 9th day of October, 2006.

A BILL

FOR AN ORDINANCE AMENDING THE ZONING OF A PARCEL OF LAND AT 9931 AMMONS CIRCLE, APPROXIMATELY 3 ACRES IN SIZE, LOCATED IN SEC. 14, T2S, R69W, 6TH P.M., JEFFERSON COUNTY, COLORADO FROM JEFFERSON COUNTY A-2 TO CITY OF WESTMINSTER R-E.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

- a. That an application for the rezoning of the property generally located at 9931 Ammons Circle, Jefferson County, as described below, from the Jefferson County A-2 zone to a City of Westminister R-E zone has been submitted to the City for its approval pursuant to W.M.C. §11-5-2.
- b. That the notice requirements of W.M.C. §11-5-13 have been met.
- c. That such application has been referred to the Planning Commission, which body held a public hearing thereon on September 13, 2006, and has recommended approval of the requested amendments.
- d. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminister Municipal Code and has considered the criteria in W.M.C. § 11-5-14.
- e. That based on the evidence produced at the public hearing, the proposed R-E zoning complies with all requirements of City Code, including, but not limited to, the provisions of W.M.C §11-5-14, regarding standards for approval of planned unit developments and §11-4-3, requiring compliance with the Comprehensive Land Use Plan.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property, described as:

A parcel of land being a portion of Tract 65 B, Mandalay Gardens, a subdivision recorded at Reception No. 194693, Jefferson County Public Records and all of Lot 20, Wadsworth Acres, a subdivision recorded at Reception No. 62919166 and in Book 23, Page 22 said Jefferson County Public Records located in the west one-half of Section 14, Township 2 South, Range 69 West of the 6th Principal Meridian, more particularly described as follows;

Commencing at the west one-quarter of said Section 14;

Thence N89°52'19" E, along the south line of the northwest one-quarter a distance of 292.50 feet to a point on the easterly line of the Colorado and Southern Railroad said point also being the Point of Beginning;

Thence N40°02'12" E along said easterly line a distance of 428.43 feet to the southwesterly corner of a parcel of land being a portion of said Tract 65B, Mandalay Gardens, described by deed at Reception No. F0933466 Jefferson County Public Records;

Thence N89°52'19" E along the southerly of said parcel a distance of 122.47 feet to the northwesterly corner of a parcel of land being a portion of said Tract 65B, Mandalay Gardens, described by deed at Reception No. F1073651 Jefferson County Public Records;

Thence S00°07'41" E along the westerly line of said parcel of land a distance of 327.40 feet to a point on said southerly line of the northwest one-quarter of Section 14;

Thence N89°52'19" E along said southerly line a distance of 63.70 feet to the northwesterly corner of Lot 19, said Wadsworth Acres;

Thence S009°01'20" W along the westerly line of said Lot 19 a distance of 149.31 feet to the northerly right-of-way line of West Ammons Circle;

Thence along said northerly right-of-way line the following two (2) courses;

N89°58'41" W, a distance of 232.00 feet;

Along the arc of a curve to the left whose chord bears S83°10'04" W, a distance of 44.92 feet, having a radius of 188.20 feet, a delta angle of 13°42'30", and an arc length of 45.03 feet to the southeasterly corner of Lot 21, said Wadsworth Acres;

Thence N12°13'34" W along the easterly line of said Lot 21 a distance of 157.44 feet to a point on said southerly line of the northwest one-quarter of Section 14;

Thence S89°52'19" W along said southerly line a distance of 152.50 feet to the point of beginning, containing 129.181 sq. ft. or 2.97 acres more or less;

Section 3. This ordinance shall take effect upon its passage after second reading.

Section 4. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 25th day of September, 2006. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 9th day of October, 2006.

**A BILL
FOR AN ORDINANCE AUTHORIZING AN ECONOMIC DEVELOPMENT AGREEMENT
WITH SEDONA, LLC DEVELOPMENT FOR CONSTRUCTION OF A NEW OFFICE BUILDING IN
PARK CENTRE**

WHEREAS, the successful attraction and retention of high quality development to the City of Westminster provides employment opportunities and increased revenue for citizen services and is therefore an important public purpose; and

WHEREAS, it is important for the City of Westminster to remain competitive with other local governments in creating assistance for high quality development to locate in the City; and

WHEREAS, Sedona, LLC Development plans to build a 31,000 square foot office building in Westminster, and

WHEREAS, a proposed Economic Development Agreement between the City and Sedona, LLC Development is attached hereto as Exhibit "A" and incorporated herein by this reference.

NOW, THEREFORE, pursuant to the terms of the Constitution of the State of Colorado, the Charter and ordinances of the City of Westminster, and Resolution No. 53, Series of 1988:

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Manager of the City of Westminster is hereby authorized to enter into an Economic Development Agreement with Sedona, LLC Development in substantially the same form as the one attached as Exhibit "A," and upon execution of the Agreement to fund and implement said Agreement.

Section 2. This ordinance shall take effect upon its passage after second reading.

Section 3. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 25th day of September 2006. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 9th day of October 2006.

Exhibit A

**ECONOMIC DEVELOPMENT AGREEMENT FOR
SEDONA LLC, DEVELOPMENT IN THE CITY OF WESTMINSTER**

THIS AGREEMENT is made and entered into this _____ day of _____, 2006, between the CITY OF WESTMINSTER (the "City"), and Sedona, LLC Development.

WHEREAS, the City wishes to provide certain assistance to Sedona, LLC Development to aid in the construction of a new 31,000 s.f. building on the northwest corner of 124th Avenue and Huron; and

WHEREAS, the proposed facility is expected to employ approximately 65 people; and

WHEREAS, City Council finds the execution of this Agreement will serve to provide benefit and advance the public interest and welfare of the City and its citizens by securing the location of this economic development project within the City.

In consideration of the mutual promises set forth below, the City and Sedona, LLC Development agree as follows:

1. Reduction of Waterline Recovery. The City shall reduce for Sedona, LLC Development the Waterline Recovery due on the 30 inch high pressure waterline in Huron Street from \$33.09 to \$2.13 per linear foot. Sedona, LLC Development is responsible for paying the City for the waterline recovery, at the \$2.13 per linear foot, no later than the time of building permit issuance.

2. Use Tax Rebate - Construction. The City shall rebate to Sedona, LLC Development 40% of the Building Use Tax on the construction materials, collected from the building permits issued in connection with the construction and initial tenant finish of the 31,000 square feet in the building, required under W.M.C. sections 4-2-9 and 4-2-3. The rebate will be approximately \$38,280.

3. Use Tax Rebate - Furniture and Fixtures at Move-In. The City will rebate 40% of the Use Tax (excludes the City's .25% Open Space Tax and .6% Public Safety Tax) collected from the tenants of the Sedona office project through January 31, 2008 from the furnishings and equipment purchased to furnish the new facility. The rebate will be approximately \$15,000.

4. Payments of Rebates. Rebates, which in total shall not exceed \$53,300, will be paid to Sedona, LLC Development by the City in quarterly installments from revenue actually collected and received by the City from

Sedona, LLC Development and the tenants. Payments of each quarterly installment shall be made within 20 days of the calendar quarter end and will be submitted electronically.

5. Entire Agreement. This instrument shall constitute the entire agreement between the City and Sedona, LLC Development and supersedes any prior agreements between the parties and their agents or representatives, all of which are merged into and revoked by this Agreement with respect to its subject matter.

6. Termination. This Economic Development Agreement shall terminate and become void and of no force or effect upon the City if Sedona, LLC Development has not begun construction of the 31,000 s.f. building by March, 2007 or should Sedona, LLC Development not comply with the City regulations or code.

7. Subordination. The City's obligations pursuant to this Agreement are subordinate to the City's obligations for the repayment of any current or future bonded indebtedness and are contingent upon the existence of a surplus in sales and use tax revenues in excess of the sales and use tax revenues necessary to meet such existing or future bond indebtedness. The City shall meet its obligations under this Agreement only after the City has satisfied all other obligations with respect to the use of sales tax revenues for bond repayment purposes. For the purposes of this Agreement, the terms "bonded indebtedness," "bonds," and similar terms describing the possible forms of indebtedness include all forms of indebtedness that may be incurred by the City, including, but not limited to, general obligation bonds, revenue bonds, revenue anticipation notes, tax increment notes, tax increment bonds, and all other forms of contractual indebtedness of whatsoever nature that is in any way secured or collateralized by sales and use tax revenues of the City.

8. Annual Appropriation. Nothing in this Agreement shall be deemed or construed as creating a multiple fiscal year obligation on the part of the City within the meaning of Colorado Constitution Article X, Section 20, and the City's obligations hereunder are expressly conditional upon annual appropriation by the City Council.

9. Governing Law: Venue. This Agreement shall be governed and construed in accordance with the laws of the State of Colorado. This Agreement shall be subject to, and construed in strict accordance with, the Westminster City Charter and the Westminster Municipal Code. In the event of a dispute concerning any provision of this agreement, the parties agree that prior to commencing any litigation; they shall first engage in good faith the services of a mutually acceptable, qualified, and experienced mediator, or panel of mediators for the purpose of resolving such dispute. The venue for any lawsuit concerning this agreement shall be in the District Court for Adams County, Colorado.